

Message

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 2/27/2014 1:17:19 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
CC: Pollins, Mark [Pollins.Mark@epa.gov]
Subject: RE: request for approval of outside activity

Jeanne,

I approve [REDACTED] request to participate in this contest.

Thanks again for your thoughtful analysis.

Susan

From: Duross, Jeanne
Sent: Thursday, February 27, 2014 7:09 AM
To: Shinkman, Susan
Cc: Pollins, Mark
Subject: FW: request for approval of outside activity
Importance: High

Good Morning, Susan,

As you will see below, [REDACTED] Ex. 6 Personal Privacy (PP) has requested outside activity approval to participate in contest sponsored by the Harvard Business School. His project seeks to connect "customers seeking water efficiency with solution providers."

As you know, outside activity approval is necessary when the activity deals in significant part with the programs, policies or operations of EPA. In order to determine whether outside activity approval was necessary here, we took a look at EPA's WaterSense program, which is aimed at endorsing or promoting certain water efficiency-related consumer products. While we are unsure that [REDACTED] proposal overlaps with WaterSense, we thought that he should request approval out of an abundance of caution.

I have reviewed [REDACTED] request and on the basis of that review, I recommend that you approve it. Please know that [REDACTED] has already received ethics counseling regarding the use of his EPA position in any bio he submits as part of the competition (i.e., including it as one of several biographical details with no more prominence than the others) and the importance of ensuring he does not create the impression that EPA endorses either his project or the vendors or water efficiency solutions referenced in the projects. In addition, I am available to assist [REDACTED] with additional questions or issues should they present themselves.

Please let me know if you have any questions. The deadline for [REDACTED] application is tomorrow, so a decision today would be appreciated if possible. (Please know that [REDACTED] first presented the issue to me in plenty of time and that the last minute nature of the request has to do with my (lack of) speed in responding!).

-Jeanne

Jeanne M. Duross
Attorney Advisor
Special Litigation and Projects Division
U.S. EPA

3111A ARS (MC2248A)
(202)564-6595

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From: Ex. 6 Personal Privacy (PP)

Sent: Wednesday, February 26, 2014 5:16 PM

To: Duross, Jeanne

Cc: Pollins, Mark

Subject: request for approval of outside activity

Hi Jeanne,

Here is my request for approval. Deadline for me is Friday so an answer by COB Thursday, Feb. 27, is needed. Thanks in advance for expedited review.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

Ex. 6 Personal Privacy (PP)

acting branch chief industrial branch, GS14

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

Participate in Harvard Business School (HBS) Venture Competition. There is no service to be performed. HBS sponsors a competition each year for graduates to propose ventures that gets voted by a panel of judges (a member of my team is a HBS graduate). I would like to participate in the competition. The proposed venture involves a platform that connects customers seeking water efficiency with solution providers (e.g. contractors, suppliers, designers, financiers, etc.). The platform does not sponsor any particular type of water efficiency equipment such as those approved by WaterSense. The platform will perform some analysis based on customers water usage and provide benchmarking and forecasting to the customer. There is no compensation for competing. If selected as a winner, there is prize money.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

The work done consists of planning and putting together a power point presentation to communicate the HBS venture. The venture will be entered into with two other people.

(4) The estimated time to be devoted to the activity;

On average, about 15 hours per week.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Yes, the preparation for the competition done entirely outside of normal duty hours.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or government property, resources or facilities not available to the general public will be used in connection with competing in the venture competition.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

No compensation.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read and am familiar with the restrictions described in 5 CFR part 2635 and §6401.102

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

To my knowledge, the competition does not have any EPA assistance agreements or contracts.

Ex. 6 Personal Privacy (PP)

U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460

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Message

From: Ex. 6 Personal Privacy (PP)
Sent: 10/8/2014 1:22:09 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
CC: Fried, Gregory [Fried.Gregory@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]
Subject: RE: Employee Confidential Information (PII)

Thank you for your speedy review.

From: Duross, Jeanne
Sent: Wednesday, October 08, 2014 9:17 AM
To: Ex. 6 Personal Privacy (PP)
Cc: Fried, Gregory; Shinkman, Susan; Duross, Jeanne
Subject: FW: Employee Confidential Information (PII)



Susan has approved your outside activity request as set forth in the email chain below.

To the extent that your written work product or oral presentations make mention of your official position, please ensure that your title is one of several biographical details about yourself and that it is given no more prominence than the other details. In addition, if necessary, please consult with me regarding the potential need for a disclaimer on any work product to make it clear that you are speaking/writing on your own behalf and not on behalf of the Agency. Please see 5 CFR 2635.807(b) for details regarding use of title and appropriate disclaimers.

Please let me know if you have any questions.

-Jeanne

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

*May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: Shinkman, Susan
Sent: Tuesday, October 07, 2014 3:20 PM
To: Duross, Jeanne
Subject: Re: Employee Confidential Information (PII)

Jeanne,

I approve this outside activity for Ex. 6 Personal Privacy (PP) Thanks again for your thoughtful analysis.

Susan

Sent from my iPhone

On Oct 7, 2014, at 2:53 PM, "Duross, Jeanne" <Duross.Jeanne@epa.gov> wrote:

Susan,

Below you will find an outside activity request from [redacted] Ex. 5 Personal Privacy (PP) who is an employee of the Air Enforcement Division.

[redacted] is requesting outside activity approval for outside consulting to be provided to Environmental Health Strategies (EHS), an environmental consulting firm doing business with Canadian national and provincial government entities. EHS is in the process of seeking approval of a contract with [redacted] Ex. 6 Personal Privacy (PP) concerning cost analysis of air pollution control technologies. [redacted] work will involve review and revision of the consultant's prior cost analyses as well as the development and presentation of a webinar explaining cost algorithms. He estimates the work will involve approximately 60- 100 hours of work over the next 3-6 months and that the work will be performed outside of duty hours or while on annual leave.

I have reviewed [redacted] request and followed up with a request for additional information, which [redacted] has provided, to help me analyze the two issues described below. I am satisfied that neither is an impediment to approving [redacted] request. I conclude that [redacted] outside activity employment meets the standard for approval set forth in 5 CFR 6401.103(c) because it is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. I recommend that you approve [redacted] request.

As always, please let me know if you have any questions.

-Jeanne

Emoluments Clause Analysis:

Because the work involves a project with a consultant who is working with a foreign government, I asked [redacted] a couple of follow up questions to ensure that his activity did not create the possibility of a violation of the Emoluments Clause of the Constitution, Art. I, Sec. 9., Cl. 8, which prohibits federal employees from accepting any gift, emolument, office, or title of any kind from any foreign state without the consent of Congress. As interpreted in Comptroller General opinions and by the Department of Justice Office of Legal Counsel, the Emoluments Clause prohibits receipt of consulting fees, gifts, travel expenses, honoraria, or salary from a foreign government without prior Congressional approval.

Ex. 5 Deliberative Process (DP)

Teaching, Speaking, Writing for Compensation Analysis:

5 CFR 2635.807(a) prohibits government employees from receiving compensation from any source other than the government for teaching, speaking or writing that relates to the employee's official duties. In an abundance of caution and because I am unfamiliar with [redacted] complete portfolio and with the scope of the ongoing programs, policies and operations of Office of Air and Radiation, I asked [redacted] to confirm for me that the teaching, speaking or writing activities associated with this outside activity, especially the development and presentation of the webinar, do not relate to his official duties as they are defined in the regulation.

[redacted] and I agree his proposed activity falls within the meaning of the note found at the end of the Section 2635.807(a)(2)(i) and does not preclude him from engaging in the activity for compensation. Cost

analysis for air pollution control equipment is a subject within his discipline or inherent area of expertise based on his educational background (chemical engineering) or experience. It's also something [redacted] does not do in his official capacity here at EPA and is not generally an "area of responsibility" for EPA.

Section 2635.807(a)(2)(i)(E) does not preclude an employee, other than a covered noncareer employee, from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

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From: [redacted] Ex. 6 Personal Privacy (PP)
Sent: Friday, October 03, 2014 2:33 PM
To: Duross, Jeanne
Cc: Fried, Gregory; Brooks, Phillip
Subject: Employee Confidential Information (PII)

Jeanne,

Thanks for outlining the information that you need to evaluate my prospective outside employment.

Ex. 6 Personal Privacy (PP)

That being said, please find the information you requested for approval of outside employment:

(1) Employee's name, title and grade;

- a. [redacted] Ex. 6 Personal Privacy (PP)
- b. Environmental Engineer
- c. GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

- a. Environmental Consulting
- b. Following up on the completion of the contract I had with EHS that analyzed costs of technologies to reduce air emissions of air pollutants at 6 Ontario petroleum refineries, this contract will inform and educate Ex. 6 Personal Privacy (PP) and provincial (BC, AB, SK, QC, NB and NL) regulators of the petroleum refining sector in Canada of the detail of costing methodologies that were developed and applied in that recent contract. It will include:
 - i. Revise the cost algorithms to include regional cost differences, as needed, and calculate results in current \$.
 - ii. Review of Ex. 6 Personal Privacy (PP) current work with cost algorithms.
 - iii. Develop and present webinars explaining cost algorithms.
 - iv. Answer questions about cost algorithms.
- c. Ex. 6 Personal Privacy (PP) total compensation expected depending on whether options for additional work are exercised.

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

Environmental Health Strategies (EHS) is an environmental consulting firm doing business with Canadian national and provincial government entities. EHS is in the process of seeking approval of a contract with Ex. 6 Personal Privacy (PP) to carry out the work described herein.

- (4) The estimated time to be devoted to the activity;

66-101 hours over the course of 3-6 months depending on whether certain options are exercised.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

I expect that the work will be performed entirely outside of normal duty hours. If any work is necessary during normal business hours, which I do not expect, of course, annual leave will be taken, and in a way that it does not interfere with my duties at EPA.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I will not use any official duty time or government property, resources, or facilities not available to the general in connection with the outside employment.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Compensation is a fixed fee.

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

To my knowledge, EHS holds no EPA assistance agreements or contracts.

Thanks in advance for your prompt review. Please let me know if you have any questions.


Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne

Sent: Wednesday, September 17, 2014 11:09 AM

To: Ex. 6 Personal Privacy (PP)

Subject: RE: Confidential

Thanks for the background,  That is helpful.

Below, you'll find the relevant EPA regulations that set forth when advance approval is needed for outside employment (these can also be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.1.1.1&idno=5#5:3.0.34.1.1.0.50.3>). You will need outside activity approval because you will be engaged in a profession (the practice of consulting) outside of your employment with the agency.

Please submit a request for approval of your proposed activities. I suggest that you cut and paste your information into paragraph (b)(1) through (9) below (Brief narratives are usually sufficient). Again, please send it to me via e-mail with an informational "cc" to your immediate supervisor and Phil Brooks. I will then forward it to Susan Shinkman with a recommendation that she approve it.

§ 6401.103 Prior approval for outside employment.

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
 - (i) An EPA contractor or subcontractor;
 - (ii) The holder of an EPA assistance agreement or subagreement; or
 - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade;
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
- (4) The estimated time to be devoted to the activity;
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

Jeanne M. Duross
Attorney Advisor
Special Litigation and Projects Division
U.S. EPA
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(202)564-6595

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From: Ex. 6 Personal Privacy (PP)

Sent: Wednesday, September 17, 2014 10:58 AM

To: Duross, Jeanne

Subject: RE: Confidential

Jeanne,

Ex. 6 Personal Privacy (PP)

Can you send me the list of item you need? The last time I did this was a few years ago and it is buried deep in an inaccessible Lotus Notes archive. Thanks.

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne

Sent: Wednesday, September 17, 2014 10:52 AM

To: Ex. 6 Personal Privacy (PP)

Subject: RE: Confidential

Hi

The process will be the same. You'll send me a note by email that hits all of the requirements of EPA's supplemental regulation. I'll send you a go-by that you can use. Please cc your first line supervisor and in this case, you may as well cc Phil as well. Susan will likely ask him his opinion so best to include him upfront.

Are the previous two projects concluded or are you still devoting time to them? Also, I remember we had some Emoluments Clause concerns about you doing work for

Ex. 6 Personal Privacy (PP) - I would like to confirm that the consultant is responsible for selecting you and paying you.

Thanks.

-Jeanne
Jeanne M. Duross
Attorney Advisor
Special Litigation and Projects Division
U.S. EPA
3111A ARS (MC2248A)
(202)564-6595

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From: Ex. 6 Personal Privacy (PP)

Sent: Wednesday, September 17, 2014 9:02 AM

To: Duross, Jeanne

Subject: Confidential

Jeanne,

I've been offered two new consulting opportunities. Both cover very similar subject matter as the last two projects you reviewed and that were approved. They are both with Environmental Health Strategies, a firm I worked for in one of the last two projects approved. EHS' client is

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

was also an end client for the project I did for ICF which you approved. I know the details and number of hours needed for one of the two projects so I'd like to start the review and approval process of that first. For the second, I may know in a week or two how much of my time they want. Can you let me know what you need to start the approval process?

Ex. 6 Personal Privacy (PP)

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 12/3/2014 8:40:02 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: request for approval for outside activity

Thanks Jeanne!

Ex. 6 Personal Privacy (PP)

Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460

Ex. 6 Personal Privacy (PP)

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From: Duross, Jeanne
Sent: Wednesday, December 03, 2014 2:34 PM
To: Ex. 6 Personal Privacy (PP)
Subject: RE: request for approval for outside activity

I just ran into Susan and she advised me orally that you are approved. Will try to get an email from her so that the paper trail is complete.

Thanks a million for your unending patience.

-Jeanne

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

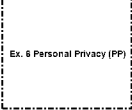
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From: Ex. 6 Personal Privacy (PP)
Sent: Monday, December 01, 2014 10:57 AM
To: Duross, Jeanne
Subject: RE: request for approval for outside activity

Hi Jeanne,

Any updates? I spoke with Mark and he said he had no concerns.

Thanks,

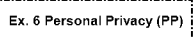


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From: Duross, Jeanne
Sent: Friday, November 21, 2014 11:38 AM
To: 
Subject: RE: request for approval for outside activity

I reminded them just now. Susan wanted to make sure Mark was aware of the request and had no concerns. You might also want to remind Mark that you are waiting for approval.

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

*May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: 
Sent: Friday, November 21, 2014 11:32 AM
To: Duross, Jeanne
Subject: FW: request for approval for outside activity

Hi Jeanne,

Do you have an update on the request below?

Thanks,



Branch Chief, Industrial Branch

U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460

Ex. 6 Personal Privacy (PP)

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From: Ex. 6 Personal Privacy (PP)

Sent: Tuesday, November 04, 2014 3:14 PM

To: Duross, Jeanne

Cc: Pollins, Mark

Subject: request for approval for outside activity

Jeanne,

Per our discussion, I am submitting the required information to request approval for outside activity. Please see the attached document and please let me know if you have additional questions or need additional information.

Thanks,

Ex. 6 Personal Privacy (PP)

Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460

Ex. 6 Personal Privacy (PP)

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Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 9/30/2015 12:46:13 PM
To: [Ex. 6 Personal Privacy (PP)]
CC: Belser, Evan [Belser.Evan@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: Re: [Ex. 6 Personal Privacy (PP)] Outside Activity Request

Hi [Ex. 6 Personal Privacy (PP)]

Please know that, in light of your consultation with Evan, your request for outside activity approval as been approved by Susan Shinkman. See below.

Please save this email and print a copy for your records as well.

-Jeanne

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4315H--
WJCN (Mail Code 2248A)/Phone (202)564-6595

From: Shinkman, Susan
Sent: Tuesday, September 29, 2015 3:32 PM
To: Duross, Jeanne
Subject: RE: [Ex. 6 Personal Privacy (PP)] Outside Activity Request

Jeanne,

I do approve this request. My only concern is that his supervisor support it as well. As long as [Ex. 6 Personal Privacy (PP)] says he has that support, I approve it.

Thanks,
Susan

From: Duross, Jeanne
Sent: Tuesday, September 29, 2015 3:30 PM
To: Shinkman, Susan
Subject: FW: [Ex. 6 Personal Privacy (PP)] Outside Activity Request
Importance: High

Hi Susan,

Please find below a request for Outside Activity Approval submitted by [Ex. 6 Personal Privacy (PP)]. He requests approval to serve as a consumer reviewer of grant proposals related to the study of certain cancers. His analysis and review will be provided to SRA International, Inc., which compiles and synthesizes comments and reviews and prepares a summary for the Department of Defense Peer Reviewed Cancer Research Program. As such, [Ex. 6 Personal Privacy (PP)] will not be representing back to the U.S. Government.

SRA International, Inc. is an EPA contractor. In compliance with the Standards of Conduct and the EPA Supplemental Regulation, 5 C.F.R. 6401, [REDACTED] is requesting prior written approval of the activity.

Please note that neither OCE nor [REDACTED] perform any work on behalf of EPA related to SRA's contracts. Should [REDACTED] learn that OCE will be working on any SRA contract, he has indicated that he would recuse from such work.

I recommend that you approve [REDACTED]'s request. Please let me know if you have any questions.

-Jeanne

Jeanne M. Duross

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | fax 202-564-1772

From: [REDACTED]
Sent: Tuesday, September 29, 2015 3:19 PM
To: Duross, Jeanne
Cc: Belser, Evan; [REDACTED]
Subject: [REDACTED] Outside Activity Request
Importance: High

Jeanne,
Thanks for your counsel on this Outside Activity Request, which I submit as directed with copy to my supervisor, Evan Belser.
Thanks again!

[REDACTED] Attorney

WJC South Room 1111-B

OECA/Air Enforcement Division [REDACTED]

[REDACTED]

This email requests approval of an outside activity, serving as a consumer reviewer of grant proposals to perform cancer studies. I am submitting my request in accordance with 5 C.F.R. 6401.103. Please let me know if you need any additional information to evaluate my request.

1. Employee's name: [REDACTED]
Title: attorney-advisor
Grade: GS-14
2. Activity: Consumer Reviewer for the Department of Defense Peer Reviewed Cancer Research Program. The review program is administered by SRA International, Inc., with offices at 8490 Progress Dr., Frederick, MD. Amount of compensation: Gross annual compensation is set by contract, is presently [REDACTED] and is not expected to exceed approximately \$ [REDACTED] annually for the duration of this approval.
3. Type of services:
 - a. [REDACTED] I will represent the perspective of cancer patients, survivors, family members and the community affected by the disease. I will assess the nonscientific aspects of assigned research applications, including disease relevance, significance and potential impact if the proposed research is successful.

- b. The panel chair prepares a summary without attribution of all comments and assessments from the multiple panel members. I will provide my comments and assessments to the panel chair for use in the summary. I will not represent back to the United States.
4. Number of clients: I anticipate serving only on a single panel at a time with relevance Ex. 6 Personal Privacy (PP)
5. Time expended: The time devoted to the activity is anticipated to average less than three hours per week, and usually will be substantially less.
6. Effect on duty hours: The consumer peer review activities will be provided entirely outside normal duty hours. Normal annual leave is anticipated in order to attend mandatory peer group meetings. Leave requests for this purpose are expected to average about 20 hours annually, and usually substantially less.
7. I am advised that EPA grants or assistance agreements held by SRA International, Inc. are those listed under its name at: <http://www2.epa.gov/sites/production/files/2014-07/documents/ekrptlv.pdf>. In addition I am advised that SRA International, Inc. holds contract "BPA - BPA No. EP-BPA-14-H-0015," Title: Support for Clean Air Markets and Related Environmental Programs.

Neither I, in my individual, official capacity, nor the Office of Civil Enforcement(OCE) (according to the references cited immediately above) perform any work related to SRA International, Inc.'s contracts with EPA. Upon receipt of information that I, or OCE, will perform any official work related to an SRA International, Inc. contract, I will immediately recuse myself from work involving SRA International, Inc. until such time as I can cease work on the outside activity. In such an event, I will cease the outside activity that is the subject of this request immediately.

8. Use of government resources: No official duty time, Government property, resources or facilities not available to the general public will be used in connection with the outside employment.
9. The basis for compensation: contract, presently Ex. 6 Personal Privacy (PP)
10. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and §6401.102.

Ex. 6 Personal Privacy (PP)

Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 4/22/2015 7:59:53 PM
To: Ex. 6 Personal Privacy (PP)
CC: Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]
Subject: Fw: Employee Confidential Information (PII)

Ex. 6 Personal Privacy (PP)

Susan has approved your request.

Please maintain a copy of this email for your records. I will also place a print copy in your confidential ethics file.

Best of luck with EHS. Please let me know if I can help you further.

-Jeanne

Jeanne M. Duross
Attorney Advisor
Special Litigation and Projects Division
U.S. EPA
3111A ARS (MC2248A)
(202)564-6595

May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: Shinkman, Susan
Sent: Wednesday, April 22, 2015 3:43 PM
To: Duross, Jeanne
Subject: RE: Employee Confidential Information (PII)

I approve this request.

Thanks,
Susan

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

From: Duross, Jeanne
Sent: Wednesday, April 22, 2015 2:41 PM

To: Shinkman, Susan
Subject: Fw: Employee Confidential Information (PII)

Susan,

Below you will find a request for outside activity approval submitted by [Ex. 6 Personal Privacy (PP)] for consulting work with Environmental Health Strategies (EHS). EHS is seeking a contract to provide services to the [Ex. 6 Personal Privacy (PP)]
Ex. 6 Personal Privacy (PP) The request is very similar to a previous one. It involves the same contractor and the same general scope of work -- preparation of a report summarizing a variety of air pollution control requirements.

The Standards of Conduct provide that approval of a request for outside activity shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and Sec. 6401.102. The decision must be in writing.

As with [] previous request, I spoke with [] to confirm that the activity is not related to his official duties. Review of jurisdictional air pollution control requirements is not a part of [] official duties. Nor is the activity offered to him because of his official position, but rather on the basis of his education and experience. I have also confirmed that the activity proposed does not offer compensation for teaching, speaking or writing that is part of his official duties. [] also affirms below that he will not conduct his outside activity on official time or with the use of official resources.

Before making the request, [] has discussed the opportunity with Phil Brooks and Greg Fried. They determined that it will not interfere with his ability to perform his official duties.

Based on my review of [] request and my subsequent conversations with [] I recommend that you grant his request for outside activity approval to perform this consulting work. Please let me know if you have any questions. Thank you.

-Jeanne

Jeanne M. Duross
Attorney Advisor
Special Litigation and Projects Division
U.S. EPA
3111A ARS (MC2248A)
(202)564-6595

May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: [Ex. 6 Personal Privacy (PP)]
Sent: Wednesday, April 22, 2015 9:01 AM
To: Duross, Jeanne
Cc: Fried, Gregory; Brooks, Phillip
Subject: Employee Confidential Information (PII)

Jeanne,

My last outside project that was approved below is nearing conclusion. I've been asked to help out on another project with the same contractor. This time he is seeking a contract from [Ex. 6 Personal Privacy (PP)]

Ex. 6 Personal Privacy (PP) My prospective outside employer has a meeting next Tuesday and would like to know if this is approved by no later than **Monday**. I would appreciate it if you could try to meet that.

The same provisos about confidentiality as described below apply. Here are the details of this project:

(1) Employee's name, title and grade;

- a. **Ex. 6 Personal Privacy (PP)**
- b. Environmental Engineer
- c. GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

a. Environmental Consulting

b. A report will be produced for consideration by **Ex. 6 Personal Privacy (PP)** The report will be a jurisdictional review of air pollution control requirements for petroleum refineries with respect to the following jurisdictions:

- i. The US federal government;
- ii. The German federal government;
- iii. The State of California
- iv. The State of Texas; and
- v. The Bay Area (California) Air Quality Management District.

c. Up to **Ex. 6 Personal Privacy (PP)** total compensation expected depending on whether options for additional work are exercised.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

Environmental Health Strategies (EHS) is an environmental consulting firm doing business with Canadian national and provincial government entities. EHS is in the process of seeking approval of a contract with **Ex. 6 Personal Privacy (PP)** to carry out the work described herein.

(4) The estimated time to be devoted to the activity;

400 hours over the course of 12-24 months depending on whether certain options for extension are exercised.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

The vast majority of the work will be performed outside of normal duty hours. If any work is necessary during normal business hours, annual leave will be taken, and in a way that it does not interfere with my duties at EPA.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I will not use any official duty time or government property, resources, or facilities not available to the general in connection with the outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Compensation is a fixed fee.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

To my knowledge, EHS holds no EPA assistance agreements or contracts.

Thanks in advance for your prompt review. Please let me know if you have any questions.

Ex. 6 Personal Privacy (PP)

From: Ex. 6 Personal Privacy (PP)

Sent: Friday, October 03, 2014 2:33 PM

To: Duross, Jeanne

Cc: Fried, Gregory; Brooks, Phillip

Subject: Employee Confidential Information (PII)

Jeanne,

Thanks for outlining the information that you need to evaluate my prospective outside employment.

Ex. 6 Personal Privacy (PP)

That being said, please find the information you requested for approval of outside employment:

(1) Employee's name, title and grade;

- a. Ex. 6 Personal Privacy (PP)
- b. Environmental Engineer
- c. GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

- a. Environmental Consulting
- b. Following up on the completion of the contract I had with EHS that analyzed costs of technologies to reduce air emissions of air pollutants at 6 Ontario petroleum refineries, this contract will inform and educate Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

and provincial (BC, AB, SK, QC, NB and NL) regulators of the petroleum refining sector in Canada of the detail of costing methodologies that were developed and applied in that recent contract. It will include:

- i. Revise the cost algorithms to include regional cost differences, as needed, and calculate results in current \$.
 - ii. Review of Ex. 6 Personal Privacy (PP) current work with cost algorithms.
 - iii. Develop and present webinars explaining cost algorithms.
 - iv. Answer questions about cost algorithms.
- c. Ex. 6 Personal Privacy (PP) total compensation expected depending on whether options for additional work are exercised.

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

Environmental Health Strategies (EHS) is an environmental consulting firm doing business with Canadian national and provincial government entities. EHS is in the process of seeking approval of a contract with Ex. 6 Personal Privacy (PP) to carry out the work described herein.

- (4) The estimated time to be devoted to the activity;

66-101 hours over the course of 3-6 months depending on whether certain options are exercised.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

I expect that the work will be performed entirely outside of normal duty hours. If any work is necessary during normal business hours, which I do not expect, of course, annual leave will be taken, and in a way that it does not interfere with my duties at EPA.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I will not use any official duty time or government property, resources, or facilities not available to the general in connection with the outside employment.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Compensation is a fixed fee.

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

To my knowledge, EHS holds no EPA assistance agreements or contracts.

Thanks in advance for your prompt review. Please let me know if you have any questions.

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne

Sent: Wednesday, September 17, 2014 11:09 AM

To: Ex. 6 Personal Privacy (PP)

Subject: RE: Confidential

Thanks for the background, [REDACTED] That is helpful.

Below, you'll find the relevant EPA regulations that set forth when advance approval is needed for outside employment (these can also be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>). You will need outside activity approval because you will be engaged in a profession (the practice of consulting) outside of your employment with the agency.

Please submit a request for approval of your proposed activities. I suggest that you cut and paste your information into paragraph (b)(1) through (9) below (Brief narratives are usually sufficient). Again, please send it to me via e-mail with an informational "cc" to your immediate supervisor and Phil Brooks. I will then forward it to Susan Shinkman with a recommendation that she approve it.

§ 6401.103 Prior approval for outside employment.

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
 - (i) An EPA contractor or subcontractor;
 - (ii) The holder of an EPA assistance agreement or subagreement; or
 - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade;
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
- (4) The estimated time to be devoted to the activity;
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

Jeanne M. Duross
Attorney Advisor
Special Litigation and Projects Division
U.S. EPA
3111A ARS (MC2248A)
(202)564-6595

May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, September 17, 2014 10:58 AM
To: Duross, Jeanne
Subject: RE: Confidential

Jeanne,

Ex. 6 Personal Privacy (PP)

Can you send me the list of item you need? The last time I did this was a few years ago and it is buried deep in an inaccessible Lotus Notes archive. Thanks.

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne

Sent: Wednesday, September 17, 2014 10:52 AM

To: [Ex. 6 Personal Privacy (PP)]

Subject: RE: Confidential

Hi []

The process will be the same. You'll send me a note by email that hits all of the requirements of EPA's supplemental regulation. I'll send you a go-by that you can use. Please cc your first line supervisor and in this case, you may as well cc Phil as well. Susan will likely ask him his opinion so best to include him upfront.

Are the previous two projects concluded or are you still devoting time to them? Also, I remember we had some Emoluments Clause concerns about you doing work for [Ex. 6 Personal Privacy (PP)] -- I would like to confirm that the consultant is responsible for selecting you and paying you.

Thanks.

-Jeanne

Jeanne M. Duross

Attorney Advisor

Special Litigation and Projects Division

U.S. EPA

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May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: [Ex. 6 Personal Privacy (PP)]

Sent: Wednesday, September 17, 2014 9:02 AM

To: Duross, Jeanne

Subject: Confidential

Jeanne,

I've been offered two new consulting opportunities. Both cover very similar subject matter as the last two projects you reviewed and that were approved. They are both with Environmental Health Strategies, a firm I worked for in one of the last two projects approved. EHS' client is [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)] was also an end client for the project I did for ICF which you approved. I know the details and number of hours needed for one of the two projects so I'd like to start the review and approval process of that first. For the second, I may know in a week or two how much of my time they want. Can you let me know what you need to start the approval process?

[Ex. 6 Personal Privacy (PP)]

Request for Approval of Outside Activity for Ex. 6 Personal Privacy (PP) **Nov. 4, 2014**

(1) Employee's name, title and grade;

Ex. 6 Personal Privacy (PP) Industrial Branch Chief, Water Enforcement Division, GS15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

The nature of the outside activity consists of building a startup business with the ultimate goal of conserving water for large buildings. The business plan consists of three main components: analyzing water usage and costs; creation of an online marketplace to enable competitive bids for water efficiency projects; and implementation of smart metering to measure water usage. See [[HYPERLINK "http://www.aquees.com"](http://www.aquees.com)] for reference. The amount of compensation is unknown at this point and depends on the number of clients we have.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

The name of the startup is Aquees ([[HYPERLINK "http://www.aquees.com"](http://www.aquees.com)]). The type of service to be rendered includes analyzing water usage and costs; creation of an online marketplace to enable competitive bids for water efficiency projects; and implementation of smart metering to measure water usage. I anticipate the potential to have 25 clients during the next 6 months.

(4) The estimated time to be devoted to the activity;

Approximately 20 hours per week.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

The service will typically be performed entirely outside of normal duty hours but on occasion, annual leave will be taken when absence from normal work hour is necessary.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

No compensation now but potential for revenue generation from clients in the future for services rendered.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read and I am familiar with, and will abide by, 5 CFR part 2635 and §6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

N/A.

Message

From: Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]
Sent: 10/2/2014 6:41:43 PM
To: **Ex. 6 Personal Privacy (PP)**
CC: Fried, Gregory [Fried.Gregory@epa.gov]
Subject: FW: Outside Activity

Ex. 6 Personal Privacy (PP)

You are approved to continue your outside activity regarding preparation of the report. Please continue to be mindful of the admonitions in the Region 6 approval regarding use of title and appropriate disclaimers.

Please let me know if you have any questions and best of luck with your report!

-Jeanne

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

*May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: Shinkman, Susan
Sent: Thursday, October 02, 2014 2:19 PM
To: Duross, Jeanne
Subject: RE: Outside Activity

Jeanne,

I approve **Ex. 6 Personal Privacy (PP)** request for approval of outside activity – working on a scientific report between the City of Houston and Rice University.

Thanks for your helpful advice.

Susan

From: Duross, Jeanne
Sent: Thursday, October 02, 2014 1:49 PM
To: Shinkman, Susan
Subject: FW: Outside Activity

Susan,

There is no need to read this entire email chain. Everything you need is in my note to you; however, you should feel free to read the rest of the thread if you think it would be helpful.

I am forwarding a request for renewed outside activity approval from **Ex. 6 Personal Privacy (PP)** Before moving to Washington, **Ex. 6 Personal Privacy (PP)** requested and was granted outside activity approval from Region 6 (document attached) to edit and provide input regarding a scientific report that is a collaborative effort between the City of Houston and Rice University.

[redacted] is to be listed as a co-author of the report. The outside activity approval provides advice to [redacted] regarding use of his title and an appropriate disclaimer. It also indicates that should [redacted] transfer to another part of the Agency, he should obtain approval from his new office.

Having spoken with [redacted] and having reviewed Region 6's written approval, I recommend that you approve [redacted] outside activity working on this report.

Please let me know if you have any questions or would like additional information. Thanks.

-Jeanne

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

*May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: [redacted] Ex. 6 Personal Privacy (PP)
Sent: Thursday, October 02, 2014 1:35 PM
To: Duross, Jeanne
Cc: Fried, Gregory
Subject: RE: Outside Activity

Jeanne,

Here's the approval from Region 6 for the outside activity that my previous email referenced. I am also including the request that I submitted. Unfortunately I only asked for three months of approved outside activity. I should have asked for a longer duration as these things always take longer than you think they will. I anticipate that the duration of time to respond to the reviewer comments will be less than 40 hours of cumulative time over a period of less than three months.

Please let me know if I need to provide any additional information to extend (or reactivate) the approval, and to ensure that the approval will be applicable for my new position in OECA.

Thanks again,

[redacted] Ex. 6 Personal Privacy (PP)
Environmental Engineer
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
MC 2242A, Room 1109A WJC South
Washington, DC 20460 (mail) or 20004 (courier)
Phone: [redacted] Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne
Sent: Thursday, October 02, 2014 9:44 AM
To: [redacted] Ex. 6 Personal Privacy (PP)
Subject: RE: Outside Activity



My apologies. Based on email communications I had with Phil and Susan, I thought that approval had been communicated to you. Susan approved your activity contingent on consultation with Phil. Based on his response, I thought you two had talked.

Please know that you are approved. I will try to go back and find the most recent email from that chain and share it with you.


On the other issue, would you forward me a copy of your outside activity approval? I think it is operative since it probably covers all the various steps in the process of publishing a paper but I'd like to see it to make sure. Plus it would be good for me to have a copy for your file. In the meantime, I think you can proceed.

Thanks.

-Jeanne

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

*May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From:  Ex. 6 Personal Privacy (PP)
Sent: Thursday, October 02, 2014 9:38 AM
To: Duross, Jeanne
Subject: RE: Outside Activity

Hello Jeanne,


Has there been any progress since our last communication on this issue?

I actually have another outside activity opportunity. I received approval from Region 6 for outside activity around this time last year, to prepare and publish a paper regarding some work I was involved with before I came to EPA. The paper was submitted and I recently received reviewer feedback, which will require additional work on my end, to address the reviewer comments and then resubmit.

Should I submit another outside activity request now for this other project, or should I wait to hear back regarding my currently pending outside activity request before I submit another?

Thanks,

 Ex. 6 Personal Privacy (PP)

Environmental Engineer
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
MC 2242A, Room 1109A WJC South
Washington, DC 20460 (mail) or 20004 (courier)
Phone:  Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne
Sent: Monday, September 08, 2014 1:32 PM
To: [Ex. 6 Personal Privacy (PP)]
Subject: RE: Outside Activity

Thanks, [] I just submitted my recommendation to Susan. She usually approves these very quickly. I will let you know as soon as possible if she has any follow up questions.

By the way, what a cool project!

-Jeanne

Jeanne M. Duross
Attorney Advisor
Assistant Deputy Ethics Officer
Office of Civil Enforcement
US EPA
(202)564-6595

*May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: [Ex. 6 Personal Privacy (PP)]
Sent: Monday, September 08, 2014 1:22 PM
To: Duross, Jeanne
Subject: RE: Outside Activity

Hello Jeanne,
EPA is not playing a role in the project, and there is no EPA grant money funding the project.
Thanks,

[Ex. 6 Personal Privacy (PP)]
Environmental Engineer
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
MC 2242A, Room 1109A WJC South
Washington, DC 20460 (mail) or 20004 (courier)
Phone: [Ex. 6 Personal Privacy (PP)]

From: Duross, Jeanne
Sent: Friday, September 05, 2014 11:56 AM
To: [Ex. 6 Personal Privacy (PP)]
Subject: RE: Outside Activity

Hi [Ex. 6 Personal Privacy (PP)]

I am ready to send a recommendation to Susan Shinkman recommending that she approve your outside activity. But before I do that, could you tell me whether EPA is playing any role in this project and/or whether the project is receiving any grant dollars from EPA?

Thanks so much.

-Jeanne
Jeanne M. Duross

Attorney Advisor
Special Litigation and Projects Division
U.S. EPA
3111A ARS (MC2248A)
(202)564-6595

May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

From: Ex. 6 Personal Privacy (PP)
Sent: Tuesday, July 1, 2014 2:58 PM
To: Duross, Jeanne
Subject: Outside Activity

Hello Jeanne,

I just left you a voicemail. I work for Greg Fried in OECA, and I am a recent hire from EPA Region 6. I have been asked to be involved in an outside project, for which I am seeking outside activity approval.

Feel free to take a look at the attached project description. The project will be in Houston, and the objective is to control mobile source particulate and VOC emissions from a below grade highway segment (US Hwy 59). My role would be as a technical advisor, primarily to help with equipment selection. The project is a collaboration between Air Alliance Houston (an advocacy organization), Rice University and the City of Houston. TXDOT may also be involved.

I am an Environmental Engineer, Grade GS-14, in the Stationary Source Enforcement Branch of the Air Enforcement Division. If approved for this outside activity, I would not receive any compensation, and I would not use official duty time to work on the project. I expect the amount of time I would dedicate to this project to be less than 40 total hours over a three month period, all of which will be during personal time (lunch breaks, evenings and weekends), not during my normal work hours. No official duty time or U.S. Government property, resources or facilities that are not available to the general public will be used in connection with this requested outside activity. I have read and I am familiar with the restrictions described in Title 5, Code of Federal Regulations, Part 2635 and § 6401.102, and I will abide by those restrictions.

Please let me know if you have any questions or concerns. Also, please let me know the process for requesting approval for outside activity, if this email will not suffice.

Thanks,

Ex. 6 Personal Privacy (PP)
Environmental Engineer, Air Enforcement Division
U.S. Environmental Protection Agency
Phone: Ex. 6 Personal Privacy (PP)

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 2/6/2018 9:08:40 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: DC Bar Pro Bono Advice and Referral Clinic on 2/10/2018

Thanks!

Ex. 6 Personal Privacy (PP)
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. Ex. 6 Personal Privacy (PP)
WJC-N 7522C

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Please consider the environment before printing this email.

From: Duross, Jeanne
Sent: Tuesday, February 06, 2018 2:48 PM
To: Ex. 6 Personal Privacy (PP)
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: DC Bar Pro Bono Advice and Referral Clinic on 2/10/2018

Hi Ex. 6 Personal Privacy (PP)

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here (again) are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy the clinic!

-Jeanne

From: Ex. 6 Personal Privacy (PP)
Sent: Tuesday, February 06, 2018 2:24 PM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: FW: DC Bar Pro Bono Advice and Referral Clinic on 2/10/2018

Jeanne:

I just found out that a few more spot for this weekend's DC Bar Pro Bono Advice and Referral Clinic need to be filled. I'd like to help out if I can, although I know it is short notice and that you are buried under OGE 450 filings.

In the hopes of facilitating your review, I am forwarding a similar request I made and that was approved from last month.

Here is the actual request and relevant information:

My name is Ex. 6 Personal Privacy (PP) My position is Assistant General Counsel for Regulatory Issues. My grade is GS 15. As required, I am cc'ing my supervisor, Carol Ann Siciliano

I am requesting to participate in the DC Bar Pro Bono Advice & Referral Clinic on Saturday, February 10, 2018. The Advice & Referral Clinic is a single session event in which attorneys provide general information, advice, and brief services, but do not provide representation. Mentors from the DC Bar Pro Bono Program are available throughout the process to assist volunteers. All services are provided free of charge.

The Clinic is organized by the DC Bar Pro Bono Program, and advice will be provided to the individuals that come to the clinic.

The activity will take place approximately between the hours of 9 AM and 2 PM on Saturday, February 10th. The service will be performed entirely outside of normal duty hours. In addition, no official duty time or Government property, resources, or facilities available to the general public will be used in connection with my participation in this activity. There is no compensation for my participation. And that I am volunteering on a pro bono basis.

I have read the information regarding approval of outside activities (http://intranet.epa.gov/ogc/ethics/outside_activity.htm).

I have read and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

Finally, to the best of my knowledge, no EPA assistance agreements or contracts are held by a person to or for whom services would be provided.

Thanks,

Ex. 6 Personal Privacy (PP)
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel Ex. 6 Personal Privacy (PP)
WJC-N 7522C

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Please consider the environment before printing this email.

From: Duross, Jeanne
Sent: Monday, January 08, 2018 9:34 AM
To: Ex. 6 Personal Privacy (PP)

Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>

Subject: RE: DC Bar Pro Bono Advice and Referral Clinic on 1/13/2018

Hi [Ex. 6 Personal Privacy (PP)]

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here are some reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions.

- Jeanne

From: [Ex. 6 Personal Privacy (PP)]

Sent: Friday, January 05, 2018 12:39 PM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>

Subject: DC Bar Pro Bono Advice and Referral Clinic on 1/13/2018

Jeanne:

This is a follow-up to my email of yesterday, i.e., a proper request to participate in an outside activity under the ethics rules. As required, I am cc'ing my supervisor, Carol Ann Siciliano.

My name is [Ex. 6 Personal Privacy (PP)] My position is Assistant General Counsel for Regulatory Issues. My grade is GS 15.

I am requesting to participate in the DC Bar Pro Bono Advice & Referral Clinic on Saturday, January 13, 2018. The Advice & Referral Clinic is a single session event in which attorneys provide general information, advice, and brief services, but do not provide representation. Mentors from the DC Bar Pro Bono Program are available throughout the process to assist volunteers. All services are provided free of charge.

The Clinic is organized by the DC Bar Pro Bono Program, and advice will be provided to the individuals that come to the clinic.

The activity will take place approximately between the hours of 9 AM and 2 PM on Saturday, January 13th. The service will be performed entirely outside of normal duty hours. In addition, no official duty time or Government property, resources, or facilities available to the general public will be used in connection with my participation in this activity. There is no compensation for my participation. And that I am volunteering on a pro bono basis.

I have read the information regarding approval of outside activities (http://intranet.epa.gov/ogc/ethics/outside_activity.htm).

I have read and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

Finally, to the best of my knowledge, no EPA assistance agreements or contracts are held by a person to or for whom services would be provided.

Ex. 6 Personal Privacy (PP)

Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. Ex. 6 Personal Privacy (PP)
WJC-N 7522C

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Please consider the environment before printing this email.

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 1/8/2018 2:41:29 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: Re: DC Bar Pro Bono Advice and Referral Clinic on 1/13/2018

Thank you. And your reminder about representing back to the government is apropos - although the clinic does a very good job of making sure govt lawyers don't work on tax or other matters where that may be an issue.

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Jan 8, 2018, at 9:33 AM, Duross, Jeanne <Duross.Jeanne@epa.gov> wrote:

Hi Ex. 6 Personal Privacy (PP)

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here are some reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions.

- <!--[if !supportLists]--><!--[endif]-->Jeanne

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, January 05, 2018 12:39 PM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: DC Bar Pro Bono Advice and Referral Clinic on 1/13/2018

Jeanne:

This is a follow-up to my email of yesterday, i.e., a proper request to participate in an outside activity under the ethics rules. As required, I am cc'ing my supervisor, Carol Ann Siciliano.

My name is Ex. 6 Personal Privacy (PP) My position is Assistant General Counsel for Regulatory Issues. My grade is GS 15.

I am requesting to participate in the DC Bar Pro Bono Advice & Referral Clinic on Saturday, January 13, 2018. The Advice & Referral Clinic is a single session event in which attorneys provide general information, advice, and brief services, but do not provide representation. Mentors from the DC Bar Pro Bono Program are available throughout the process to assist volunteers. All services are provided free of charge.

The Clinic is organized by the DC Bar Pro Bono Program, and advice will be provided to the individuals that come to the clinic.

The activity will take place approximately between the hours of 9 AM and 2 PM on Saturday, January 13th. The service will be performed entirely outside of normal duty hours. In addition, no official duty time or Government property, resources, or facilities available to the general public will be used in connection with my participation in this activity. There is no compensation for my participation. And that I am volunteering on a pro bono basis.

I have read the information regarding approval of outside activities (http://intranet.epa.gov/ogc/ethics/outside_activity.htm).

I have read and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

Finally, to the best of my knowledge, no EPA assistance agreements or contracts are held by a person to or for whom services would be provided.

Ex. 6 Personal Privacy (PP)

Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel: Ex. 6 Personal Privacy (PP)
WJC-N 7522C

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Message

From: Ex. 6 Personal Privacy (PP)
Sent: 2/27/2019 10:22:59 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Outside Activity Request

Thank you, Jeanne!

Ex. 6 Personal Privacy (PP)

**EPA Office of General Counsel
Civil Rights Practice Group**

Ex. 6 Personal Privacy (PP)



From: Duross, Jeanne
Sent: Wednesday, February 27, 2019 1:51 PM
To: Ex. 6 Personal Privacy (PP)
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: Outside Activity Request

Hi Ex. 6 Personal Privacy (PP)

Your outside activity request is approved. In addition to the ethics counseling you received in connection with this activity previously, I just want to remind you that 18 USC 205 prohibits you from representing the interests of a third party back to the US Government and that 18 USC 203 prohibits you from accepting compensation derived from representational services before the US Government. The activity contemplates interaction with states and state representatives, but I caution you to remain mindful of the prohibition.

Please retain a copy of this approval for your records. Thanks!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, February 22, 2019 9:32 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: Outside Activity Request

Hi Jeanne,

I am sending an updated request for approval for outside work. You had approved this in September but I have two updates.

First, the original contract was for six months, which I had put in my request. They've just offered to extend another six months, so this time I just won't put an end date (since your approval was good for five years, this way I won't have to keep updating if we extend again).

Second, I have added one thing to #2, nature of the activity (work on state legislation related to animal welfare). Please let me know if you have any questions.

My responses to b) 1-9 are in **bold** below. My supervisor, Angie Talbert-Duarte, is copied here.

Please let me know if you need anything else.

Thank you!

Ex. 6 Personal Privacy (PP)

**EPA Office of General Counsel
Civil Rights Practice Group**

Ex. 6 Personal Privacy (PP)



From: Duross, Jeanne

Sent: Tuesday, August 14, 2018 10:44 AM

To: Ex. 6 Personal Privacy (PP)

Subject: Outside Activity Request

H Ex. 6 Personal Privacy (PP)

It was good speaking with you just now.

Below, you'll find the relevant EPA regulations that set forth when advance approval is needed for outside employment (these can also be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>). As we discussed, because your proposed outside activity involves the practice of a profession (law), you require outside activity approval before undertaking it.

Please submit a request for approval using the format below. I suggest that you cut and paste your information into paragraph (b)(1) through (9) below (Brief narratives are usually plenty!). Then, please send it to me via e-mail with an informational "cc" to your immediate supervisor.

Thanks very much!

Jeanne

§ 6401.103 Prior approval for outside employment.

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
 - (i) An EPA contractor or subcontractor;
 - (ii) The holder of an EPA assistance agreement or subagreement; or
 - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade; Ex. 6 Personal Privacy (PP), **Attorney Advisor in CRFLO; GS 14**

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

The outside activity will involve work related to criminal prosecution of animal cruelty cases. Specifically, the work may include conducting trainings on animal cruelty topics (e.g. abuse and neglect) for prosecutors, law enforcement officers, judges, and other legal professionals; providing legal analyses and advice on legal issues related to animal cruelty investigations and prosecution; drafting and/or reviewing resource materials for legal professionals; and interacting with state legislators, to include providing in-person testimony, regarding proposed state legislation related to animal welfare. I will be compensated at a rate of Ex. 6 Personal Privacy (PP) or \$1,000 per hour for a training. I will also be reimbursed for expenses.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); **Animal Legal Defense Fund, a non-profit whose mission is to protect the lives and advance the interests of animals through the legal system. www.aldf.org**

(4) The estimated time to be devoted to the activity; **Up to 10 hrs/week.**

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); **The work will primarily be done outside of normal duty hours. I may periodically request annual leave for travel, e.g. to attend a conference, conduct a training, or attend a state legislative hearing. I estimate the leave requests will be for 1-3 days at a time.**

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; **No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.**

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.); **Per hour for most work; a set fee per training.**

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and
I have read, am familiar with, and will abide by the restrictions described in 5 CFR 2635 and §6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. **ALDF is not listed as a recipient of EPA assistance or a party in a contract with EPA in USASpending.gov or EPA's Grant Awards Database.**

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 4/17/2018 4:08:33 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Outside Activity Approval

Thank you!!!!

From: Duross, Jeanne
Sent: Tuesday, April 17, 2018 12:07 PM
To: Ex. 6 Personal Privacy (PP)
Subject: Outside Activity Approval

Hi

Your request for outside activity approval for a 30 minute talk with students and SUNY is approved. Please maintain a copy of this approval for your records.

I note that you talk relates to FOIA implementation, which is part of your official duties at EPA. You are not being compensated for your presentation, which is consistent with the requirements of 5 CFR 2635.807.

You did not mention whether you are being offered travel expenses in conjunction with your visit to SUNY. Please know that, for purposes of 5 CFR 2635.807, you MAY accept reimbursement for your travel to SUNY if it is offered. Such reimbursement does not fall within the definition of compensation. But, keep in mind that acceptance of travel reimbursement may be reportable on your next confidential financial disclosure form.

In giving your presentation, please remember that:

- You MAY mention your EPA title as one of several biographical details provided it is given no more prominence than the others.
- If you mention your title (which I assume you will, given the topic), you should make an oral disclaimer that the views you express are your own and do not necessarily reflect the views of the EPA.
- You should not use official time or resources to prepare your presentation and you should take care not to present any nonpublic information.
- You should not make your presentation on official time (and you have already indicated that you will not).

I hope you enjoy the presentation! I know how much students appreciate hearing from practitioners in their fields of interest. If you have any other questions, please let me know.

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)
Sent: Tuesday, April 17, 2018 11:26 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: ethics question

Here's my request, which addresses the nine questions provided below. Please let me know if you have any additional questions.

Thanks!

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne

Sent: Tuesday, April 17, 2018 11:08 AM

To: Ex. 6 Personal Privacy (PP)

Subject: RE: ethics question

Yes, sorry about that. Apparently, I need to update it. Try this one. <https://www.gpo.gov/fdsys/pkg/CFR-2011-title5-vol3/pdf/CFR-2011-title5-vol3-sec6401-103.pdf>

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)

Sent: Tuesday, April 17, 2018 11:06 AM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Subject: RE: ethics question

Hi Jeanne,

Could you resend me the link or where the form is located? The link below does not seem to work.

Thanks,

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne

Sent: Tuesday, April 17, 2018 11:03 AM

To: Ex. 6 Personal Privacy (PP)

Subject: RE: ethics question

Hi

Below, you'll find the relevant EPA regulations that set forth when advance approval is needed for outside employment (these can also be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>).

As we discussed, because the topic of your talk at SUNY deals in significant part with your assigned duties here at EPA, you require outside activity approval before speaking. Please submit a request for approval using the format below. I suggest that you cut and paste your information into paragraph (b)(1) through (9) below (Brief narratives are usually plenty!). Then, please send it to me via e-mail with an informational "cc" to your immediate supervisor.

Thanks very much!

Jeanne

§ 6401.103 Prior approval for outside employment.

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
 - (i) An EPA contractor or subcontractor;
 - (ii) The holder of an EPA assistance agreement or subagreement; or
 - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade;
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
- (4) The estimated time to be devoted to the activity;
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain

approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

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From: Ex. 6 Personal Privacy (PP)
Sent: Monday, April 16, 2018 2:46 PM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: ethics question

See red.

From: Duross, Jeanne
Sent: Monday, April 16, 2018 1:48 PM
To: Ex. 6 Personal Privacy (PP)
Subject: RE: ethics question

That's helpful, thank you!

A couple more questions:

Is FOIA work part of your assigned duties? Yes.

If so, are you thinking of doing this in your official capacity or your personal capacity? No. I would need outside approval activity from you. I will also notify my supervisors even though I am working in my personal capacity.

- If you work on FOIA matters and would like to do this your **official** capacity, you will need supervisory approval. And, any travel expenses offered to you would be approved as a gift to the Agency using the Ethics Travel Form.
- If you work on FOIA matters and would like to do this in your **personal** capacity, then you will need outside activity approval from me. Any travel expenses you are offered would be a gift to you that may be reportable on next year's 450. You would not be able to accept honoraria.
- If you do not work on FOIA matters, then you don't need outside activity approval because the activity neither relates to your official duties nor deals in part with the programs, policies or operations of the Agency. Any travel expenses you are offered would be a gift to you that may be reportable on next year's 450. And, in this case, you would be able to accept honoraria, which if it exceeds \$200, would be reportable on next year's 450.

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)
Sent: Monday, April 16, 2018 12:34 PM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: ethics question

I was referring to govt as a whole. Generally. Here's the outline I was thinking:

1. Introduction – Information in the Government
2. History and purpose of the FOIA
3. Mandatory disclosure vs. FOIA exemptions
4. Other ways information is available
 - APA rulemaking
 - Litigation – discovery

Sincerely,

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne
Sent: Monday, April 16, 2018 11:21 AM
To: Ex. 6 Personal Privacy (PP)
Subject: RE: ethics question

Hi Ex. 6 Personal Privacy (PP)

When you say “ways in which we provide information proactively in FOIA and APA,” are you speaking specifically about EPA policies and procedures to be proactive in FOIA or are you speaking about the federal government as a whole?

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, April 13, 2018 1:27 PM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: ethics question

Hi Jeanne!

Ethics question for you. I have been asked to be a guest speaker at a environmental policy class for SUNY. The main purpose of the class is to talk about public participation in government, including the FOIA and APA. I will provide a very general overview of the FOIA and ways in which we provide information proactively in FOIA and APA. I plan on talking about 15-20 minutes.

Could you let me know if you need any additional to the information I provided above to get an ethics clearance on this activity?

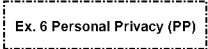
Also, could you provide me with the parameters for my participation.

Thank you.

Sincerely,



Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460



PRIVILEGED COMMUNICATION for internal deliberation only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

Ethics Request

April 17, 2018

(1) *Employee's name, title and grade;*

Ex. 6 Personal Privacy (PP)

Attorney-Advisor, GS 15

(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;*

I was asked to speak at an Environmental Policy graduate-level class at SUNY. The purpose of the class is to expose the students to different career tracks in the field of environmental policy. I would like to talk about my work as an information law attorney at a federal agency. My general outline, which can be modified, would cover the following:

- Introduction of me, my job, and disclaimer statement (my personal thoughts and opinion)
- Intro to FOIA (history and purpose)
- Talk about the balancing of interests FOIA
 - o The need for the government to gather information
 - o The mandatory disclosure requirement of FOIA
 - o FOIA exemptions and the interests they protect
- Talk about how the Agency proactively disclose information (for example in rulemaking dockets or EAB decisions)

(3) *The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);*

State University of New York; Dr. Paul Hirsch

(4) *The estimated time to be devoted to the activity;*

This is a 30-minute discussion with the class.

(5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);*

My 30-minute engagement will be conducted entirely outside the normal duty hours.

(6) *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;*

No official duty time or government property will be used.

(7) *The basis for compensation (e.g., fee, per diem, per annum, etc.);*

No compensation is provided. I am volunteering my time to talk to the students.

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read, am familiar with, and will abide by the restrictions in the above-referenced provisions.

- (9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.*

None that I am aware of. Furthermore, I am not involved in any assistance agreement or contract selection process.

Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 5/24/2016 2:31:23 PM
To: **Ex. 6 Personal Privacy (PP)**
CC: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: Outside Activity Approval- Tribal Appellate Judgeship

Hi **Ex. 6 Personal Privacy (PP)**

You have been invited by the **Ex. 6 Personal Privacy (PP)** a federally recognized tribe **Ex. 6 Personal Privacy (PP)** to serve as a Reserve Appellate Judge for the **Ex. 6 Personal Privacy (PP)** Tribal Appellate Court. Your immediate supervisor, John Reeder, has concurred in this request, and as your Deputy Ethics Official, I approve your request. Please maintain a copy of this approval in your records and review it periodically so that you observe the counseling points outlined below. This approval is good for five years.

Background

EPA's Supplemental Standards of Ethical Conduct, 5 C.F.R 6401, permit employees to engage in the outside practice of law, whether or not such outside practice is compensated, provided they received prior written approval before engaging in the activity. Historically, OGC Ethics has required employees to seek prior approval to serve as municipal judges and other similar positions.

For your request, you indicate that the Appellate Court meets monthly and oral arguments are held in **Ex. 6 Personal Privacy (PP)**. Though the number of appeals varies annually, on average between one and four appeals are filed. The position is paid at a rate of **Ex. 6 Personal Privacy (PP)** per hour and capped at **Ex. 6 Personal Privacy (PP)** per year. You may also be offered travel expenses. The Tribal Appellate Court has exclusive jurisdiction to review the decisions of the Tribal Court and hears appeals regarding the following types of cases: criminal, child welfare, juvenile delinquency, landlord-tenant, guardianship, civil garnishment, adoptions, conservation, torts, workers compensation, traffic, civil infractions, enforcement of foreign judgments, civil contempt, emancipation, general civil, and personal protection orders.

Your Duties in the Office of the Administrator

You serve as a Special Assistant for Administrator McCarthy. As such, your duties encompass: serving as a liaison for the Office of Enforcement and Compliance Assurance, Office of General Counsel, and the Office of Policy (and, temporarily, some Office of Water duties while a new Special Assistant is selected and trained); tracking Office of Inspector General and General Accounting Office investigations and reporting on EPA responses to those investigations as they make their way through the official processes; and performing special assignments periodically. In this position, you are not routinely assigned any duties related to federal Indian law or tribal issues. That said, you have indicated that, recently, as part of a controlled correspondence request, you followed up on a NEPA issue to help coordinate EPA's response regarding the Dakota Access pipeline. Along with the Administrator, OITA, OECA and Region 8, you met with the Chairman of the Standing Rock Sioux tribe. Region 8 has the lead for follow up on with the Army Corp of Engineers regarding the project. Otherwise, you are not expected to be working with Indian law or other Tribal issues as a regular part of your official duties. You are also not expected to work on matters affecting the **Ex. 6 Personal Privacy (PP)** Tribe.

Restrictions on Participation, Use of Government Time and Resources

Financial Conflict of Interest

Under the financial conflict of interest statute, 18 U.S.C. § 208, you cannot participate in your official capacity in a particular matter that would affect an outside employer. An exemption found at 18 U.S.C. § 208(b)(4)(A) permits federal employees to otherwise participate as part of their official duties if the affected financial interest results solely from birthrights in certain Indian tribes, bands, nations, or other organized groups or communities. In those instances, employees can be permitted to work on particular matters of general applicability (such as rulemakings). However, the exemption does not extend to particular matters in which the tribe itself is a specific party. **Therefore, you have a financial conflict of interest with your own tribe, and must continue to recuse yourself from any particular EPA**

specific party matter that would directly and predictably affect the **Ex. 6 Personal Privacy (PP)** Tribe. In the event that your tribal court duties involve any issue that relate in substantial part with any ongoing EPA program, policy or operation, or would otherwise cause a potential conflict of interest with your official duties, you should immediately recuse and bring the situation to my attention or to the attention of OGC Ethics to obtain further ethics advice.

Representation Back

Please be mindful of the fact that, as a federal employee, you cannot represent the interests of another back to the United States, irrespective of whether the representation is compensated. Under 18 U.S.C. § 205, you cannot represent the **Ex. 6 Personal Privacy (PP)** Tribe in connection with a particular matter in which the United States is or represents a party. **You must not communicate with EPA or any other federal executive branch agency on behalf of the** **Ex. 6 Personal Privacy (PP)** **Tribe, which includes in your capacity as a reserve appellate judge.**

Under 18 U.S.C. § 203, you may not receive compensation for representational services of others in matters that are before the executive branch and the courts. This means you cannot share in fees generated by others who are providing such services. Having reviewed the matters within the jurisdiction of the Appellate Court and the description of your judicial position, I do not believe that § 203 should pose a problem. **However, if during your service, the** **Ex. 6 Personal Privacy (PP)** **Tribe is asked to rule on any matters that involve a federal issue, such as whether to enforce a federal court order, you should confer with me and/or with OGC Ethics to determine whether, in addition to recusing from any communication with the federal court, you should also recuse from any consideration of the matter and refuse any compensation associated with the matter.**

Misuse of Position

You must use your personal contact information, not your official contact information, in serving your role on the tribal court. You must perform all work for the tribal court on your own time, and you may not use any EPA resources in conducting your duties on behalf of the tribal court. Do not use your EPA email address or contact information in connection with this activity, and do not use EPA resources, including email, internet, computer or phone, to further this activity. It is compensated, which means that the *de minimis* use of government equipment policy does NOT apply to you in connection with this activity. If/when you travel to **Ex. 6 Personal Privacy (PP)** for oral argument, you must be on leave. You must report this outside position on your Confidential Financial Disclosure form, and if you receive more than \$200 in income for the position, you must report that on your form as well. Finally, **you may not use your position on the tribal court to encourage or discourage EPA involvement in matters affecting the** **Ex. 6 Personal Privacy (PP)** **Tribe.**

Jeanne M. Duross

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 8/14/2018 2:55:01 PM
To: Ex. 6 Personal Privacy (PP)
CC: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]
Subject: RE: Outside Activities Request

Hi

Your request for outside activity approval to co-teach a four credit class on Coastal Law at the University of Baltimore School of Law is approved.

As you undertake your outside activity, please remember:

- You may not use official duty time or Government property or resources in connection with your outside employment.
- You may make reference to your official title as one of several biographical details, provided your EPA title is not given more prominence than the other details.
- If you do make reference to your official title as part of your outside activity, please be sure to issue an oral or written disclaimer that the views you present are your own and do not necessarily reflect the views of EPA.
- You may not represent back to the United States on behalf of a third party in any matter in which the United States is a party or has a direct and substantial interest. This means that you should not ask, on the law school's behalf, federal employees to speak to your class in official capacity.
- You must report this outside position and the income associated with it on your next confidential financial disclosure report.

Please print and maintain a copy of this approval for your records. Let me know if you have any questions. Best of luck!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)
Sent: Monday, August 13, 2018 9:11 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Outside Activities Request

Jeanne,

Thank you for your voicemail last week. Please accept this as my outside activities request for my adjunct faculty position with the University of Baltimore School of Law. I have included all of the necessary information below:

- Ex. 6 Personal Privacy (PP)
 - Attorney Advisor/GS-14
- Adjunct Law Professor

- I co-teach a four credit class on Coastal Law. The course is offered in the Fall semester on a weekday evening (typically 4:45 – 7:30). I receive [REDACTED] for the semester.
- University of Baltimore School of Law
- I spend around 20 hours during June and July prepping materials for the class. During the semester (late-August to late-November) I spend 10-12 hours per week preparing for and teaching the class.
- All of my teaching duties are performed outside of normal duty hours.
- I certify that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with my outside employment.
- I certify that I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
- I am not aware of any EPA assistance agreements or contracts held by the University of Baltimore School of Law.

Please let me know if you need any additional information. Thank you for your help.

Best regards,

[REDACTED]
Ex. 6 Personal Privacy (PP)

Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency

[REDACTED]
Ex. 6 Personal Privacy (PP)

Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 2/19/2019 7:49:53 PM
To: Ex. 6 Personal Privacy (PP)
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Seeking Ethics approval for outside activity/employment

Hi [Ex. 6 Personal Privacy (PP)]

Your request for outside activity approval to act as a voting board member and provide legal services to by reviewing and drafting legal documents on behalf of [Ex. 6 Personal Privacy (PP)] all real estate companies in Missouri (real estate companies in Missouri) is approved.

Please remember that you may not engage in this activity during official duty hours or using your official title or official resources. I would also remind you that 18 USC 205 prohibits you from representing any third party to the United States in any matter in which the US is a party or has a direct and substantial interest and that 18 USC 203 prohibits you from accepting compensation from representational services before the United States whether the services are performed by you or others.

These will be reportable outside positions on your confidential financial disclosure form is 2020, which covers calendar year 2019. If you earn more that \$1000 in income from these activities, that will be reportable as well on Part I of the Form.

Please maintain a copy of this form for your records. I do recommend that you seek outside activity approval for any new business entities as well.

Let me know if you have any questions. Thank you!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: [Ex. 6 Personal Privacy (PP)]
Sent: Tuesday, February 19, 2019 9:52 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Seeking Ethics approval for outside activity/employment

Jeanne –

I know things have been busy given the shutdown, but I wanted to see if you had a response to the e-mail below.

Thank you,

[Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)] * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA, Office of General Counsel * [Ex. 6 Personal Privacy (PP)] [Ex. 6 Personal Privacy (PP)]

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Ex. 6 Personal Privacy (PP)

Sent: Monday, January 28, 2019 1:32 PM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Gautam Srinivasan (Srinivasan.Gautam@epa.gov) <Srinivasan.Gautam@epa.gov>

Subject: Seeking Ethics approval for outside activity/employment

Jeanne –

I am writing to seek ethics approval for 3 separate but related outside activities regarding real estate ventures in Missouri – Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Per instructions, I've provided the relevant information below and included my immediate supervisor as a cc.

In general, these are all family-owned companies that invest in real estate to remodel and either sell or rent. I received previous approval for my Board Member status in Ex. 6 Personal Privacy (PP). In addition, I also became a member of the Missouri Bar last year, so I can now perform legal work for the LLCs as necessary (reviewing documents, drafting leases, etc.). Please let me know if you need any additional information.

I also have a question. I've asked for approval for new LLCs – Ex. 6 Personal Privacy (PP) as we Ex. 6 Personal Privacy (PP). However, is this already covered in the prior approval for my participation in an outsider real estate company or do I need to seek approval each time we start new LLCs for specific properties?

Ex. 6 Personal Privacy (PP)

- **name, title and grade:** Ex. 6 Personal Privacy (PP) Assistant General Counsel/Attorney-Advisor, GS-15
- **the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** Acting as a voting board member and performing limited work as an attorney by reviewing and drafting legal documents. The LLCs will pay my annual Missouri bar dues in exchange for my legal help, but I will not receive direct compensation.
- **the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months):** Ex. 6 Personal Privacy (PP) all real estate companies in Missouri
- **the estimated time to be devoted to the activity;** about 10-15 hours per month in total
- **whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);** Yes, all work will be performed outside normal duties hours. However, I may sometimes perform work during otherwise taken personal leave (i.e., when I travel to Missouri to visit family, I may attend a board meeting, look at potential properties, and/or review documents).
- **a statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment;** I confirm no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment.
- **the basis for compensation (e.g., fee, per diem, per annum, etc.)** As noted above, the LLCs will pay my annual Missouri bar dues but I will not receive direct compensation.
- **a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations);** I confirm

that I have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations);

and

- **an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.** I am not aware of any EPA assistance agreements or contracts held by the LLCs for whom services would be provided.

Ex. 6 Personal Privacy (PP)

* Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA,
Office of General Counsel

Ex. 6 Personal Privacy (PP)

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Message

From: Ex. 6 Personal Privacy (PP)
Sent: 10/16/2017 4:53:55 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Minoli, Kevin [Minoli.Kevin@epa.gov]; Ex. 6 Personal Privacy (PP); ethics [ethics@epa.gov]; Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: [SPAM] Re: Request for Ethics Approval

Thanks, Justina. Much appreciated!

From: Fugh, Justina
Sent: Monday, October 16, 2017 12:42 PM
To: Ex. 6 Personal Privacy (PP)
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Ex. 6 Personal Privacy (PP); ethics <ethics@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: [SPAM] Re: Request for Ethics Approval

Hey [REDACTED]

Jeanne was consumed with preparing for an ethics presentation earlier this month and then has been unexpectedly out of the office for several days. Allow me to apologize for our delay in responding to you. To save Jeanne some time when she returns to the office (and will have to dig through her email), I am writing to confirm that you may indeed run as candidate in a non-partisan campaign for the Takoma Park Ward 2 City Council seat and, if elected, may serve in that role.

As a lesser restricted employee, you may run as a candidate for a nonpartisan election. Pursuant to 5 CFR § 734.207(b), you may "[r]un as a candidate in a non-partisan election." 5 CFR 734.101 defines "nonpartisan election" as "(1) An election in which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential electors received votes in the last preceding election at which Presidential electors were selected; or (2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character." The Takoma Park City Council race in which you are running is nonpartisan, so your candidacy is clearly permitted by the Hatch Act. I remind you that the nonpartisan nature of the campaign may change at any time in the event that political activity occurs. For example, if your opponent declares himself to be a partisan candidate, then the entire campaign would be deemed political and partisan, even if you yourself are not engaging in partisan activities.

Here are some reminders while you are running:

- You are aware, of course, that you cannot use office time or office space for the campaign activity, and that prohibition extends to using the government email, computer and cell phone.
- You may include information regarding your official employment so long as it is featured with other biographical details and not given undue prominence.
- For the purpose of a nonpartisan election, the prohibition against political fundraising set forth at 5 CFR 734.410(a) does not apply. In an example provided in the Hatch Act at 5 CFR 734.203(c), "[a]n employee may participate, including holding office, in any nonpartisan group. Such participation may include fundraising as long as the fundraising is not in any way connected with any partisan political issue, group, or candidate, and as long as the fundraising complies with part 2635 of this title as well as

any other directives that may apply, e.g., the Federal Property Management Regulations in 41 CFR chapter 101."

- Although the Hatch Act rules permit other federal employees to contribute to your campaign, I caution you against any behavior that appears to be seeking or accepting any contributions from people who work for you.

Assuming you are elected:

- Do not engage in City Council activity on government time or government property. Because the position is compensated, there is no *de minimis* use of government equipment or resources to further your outside activity.
- Please be mindful of the restrictions at 18 § USC 205(a)(2) that preclude federal employees from acting as agent for anyone before any department, agency, court, etc. in connection with any covered matter in which the United States is a party or has a direct and substantial interest. Should the City Council have any matters arising before it that may have consequences from an environmental standpoint, there may be optical concerns that would argue for recusal on your part. OGC/Ethics is, of course, at your disposal to discuss those matters if and when they arise.
- Don't forget to note the position and the fact that you are compensated on your next financial disclosure report.

Good luck with the election,
justina



Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From:

Ex. 6 Personal Privacy (PP)

Sent: Friday, October 13, 2017 11:13 AM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Ex. 6 Personal Privacy (PP) ethics <ethics@epa.gov>

Subject: RE: [SPAM] Re: Request for Ethics Approval

Hi Jeanne,

I'm following up on my September 13 request. We are just over three weeks away from the election now, and I need your approval to serve on the City Council. While I need the approval by the election, it would certainly take a concern away if I could receive that approval sooner.

Please let me know if you need any additional information from me.

Best regards,



From: **Ex. 6 Personal Privacy (PP)**

Sent: Wednesday, September 13, 2017 10:12 AM

To: [ethics <ethics@epa.gov>](mailto:ethics@epa.gov)

Cc: **Ex. 6 Personal Privacy (PP)** Duross, Jeanne <Duross.Jeanne@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>

Subject: [SPAM] Re: Request for Ethics Approval

Yes, I will be campaigning. And donations for the campaign will be obtained, consistent with the Takoma Park rules.

Ex. 6 Personal Privacy (PP)

Tiny keyboards, fat fingers, and autocorrect mean lots of typos

On Sep 13, 2017, at 10:10, [ethics <ethics@epa.gov>](mailto:ethics@epa.gov) wrote:

Hi **Ex. 6 Personal Privacy (PP)**

Congratulations! Since your position of record is in OGC, your Deputy Ethics Official is currently Jeanne Duross, copied here. She's the one who will consider your request for approval, assuming that you are elected. One thing that she will need to know, though, is whether you intend to campaign for the position, including soliciting for donations. But while I have you, allow me to refresh your recollection. Like yourself, **Ex. 6 Personal Privacy (PP)** ran for a *non*-partisan (not partisan) town council position. With luck, you too will be elected!

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: **Ex. 6 Personal Privacy (PP)**

Sent: Wednesday, September 13, 2017 8:00 AM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: [ethics <ethics@epa.gov>](mailto:ethics@epa.gov) **Ex. 6 Personal Privacy (PP)**

Subject: Request for Ethics Approval

Kevin,

I'm writing to you in your role as OGC's designated agency ethics official. The agency's supplemental ethics regulations require that OGC employees receive your permission for "[h]olding State or local public office[.]" See 5 C.F.R. § [6401.103\(a\)\(3\)](#). Last night I was nominated to serve as the Takoma Park Ward 2 City Council member, so I am reaching out to you for your permission to serve, should I be elected on November 7.

Here's the information required by the regulation:

- (1) [Ex. 6 Personal Privacy (PP)] attorney-adviser, GS-15
- (2) Serve as the City of Takoma Park's Ward 2 City Council member. Duties include constituent services, attending evening City Council meetings, and interacting with city and other government officials. Salary is approximately [Ex. 6 Personal Privacy (PP)] per year.
- (3) City of Takoma Park, Maryland. City government.
- (4) Time is difficult to estimate. Expect work to average about 10 hours per week.
- (5) Work will be performed primarily outside of EPA business hours as Council meetings are evening meetings. Occasional during-the-day meetings will take me periodically away from EPA. Expect an average of one hour a week away from EPA, with some weeks more and some weeks less.
- (6) No official EPA duty time or government property, resources, or facilities not available to the general public will be used in connection with the outside employment, unless authorized by law.
- (7) Not sure if compensation is paid bi-weekly, monthly, or annually. Expenses are reimbursed when requested.
- (8) I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and 5 C.F.R. § 6401.102.
- (9) I have no idea if EPA has made any grants to the City of Takoma Park. It's possible, but not something known to me or reasonably possible to find out.

I do not expect that my service as an elected official for the City of Takoma Park will involve conduct prohibited by statute or federal regulation. The position is non-partisan and focuses normally on issues of local import to Takoma Park. I note also that there is precedent for Office of General Counsel personnel serving in local elected office as the prior General Counsel and Deputy General Counsel [Ex. 6 Personal Privacy (PP)] served in a partisan elected position in Virginia.

Please let me know if you need any additional information from me. I need your decision not later than November 7, 2017, the date of the election.

Best regards,

[Redacted Signature]

[Redacted Name]

Attorney-Adviser
U.S. EPA Office of General Counsel
1200 Pennsylvania Ave. N.W.
MC 2322-A
Washington, DC 20460

[Redacted Contact Information]

Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 3/11/2019 4:35:25 PM
To: **Ex. 6 Personal Privacy (PP)**
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Seeking Ethics approval for outside pro bono activity

H 

Your request to participate in a program led by the AARP to complete new wills and powers of attorney for elderly DC residents is approved.

Here are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono activity, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy this work – it sounds very rewarding!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: **Ex. 6 Personal Privacy (PP)**
Sent: Friday, March 08, 2019 2:38 PM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Seeking Ethics approval for outside pro bono activity

Jeanne –

I am writing to seek ethics approval for pro bono activity. I have provided the required information below and have included my supervisor (Gautam Srinivasan), although I understand that he has no role in approving the activity.

If you have any questions about the activity, please contact me directly, with a cc to Gautam.

Thank you,



- **name, title and grade:** Ex. 6 Personal Privacy (PP) Assistant General Counsel/Attorney-Advisor, GS-15
- **the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** Participation in a program led by the AARP to complete new wills and powers of attorney for elderly DC residents who are former residents of a senior apartment complex was destroyed in a fire. Volunteers meet with clients twice – once to gather the information necessary to draft the wills and any powers of attorneys and a second time review and execute the documents. Mentors from the DC Bar legal community will be available throughout the process to assist volunteers. All services are provided free of charge.
- **the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);** Unknown Senior as assigned by AARP.
- **the estimated time to be devoted to the activity;** approximately eight hours, divided between two in person meetings and various drafting work. AARP has asked that work be completed by the end of May 2019.
- **whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);** Yes, all work will be performed outside normal duties hours; some work may be performed during otherwise taken personal leave.
- **a statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment;** I confirm no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment.
- **the basis for compensation (e.g., fee, per diem, per annum, etc.)** There is no compensation for my participation. I am volunteering on a pro bono basis.
- **a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations);** I confirm that I have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations);
and
- **an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.** I am not aware of any EPA assistance agreements or contracts held by the LLCs for whom services would be provided.

Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA,
Office of General Counsel *

Ex. 6 Personal Privacy (PP)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 12/17/2018 3:10:11 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Request to participate in pro bono legal clinic

Thanks!

Ex. 6 Personal Privacy (PP) | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | William Jefferson Clinton Federal Building (WJC), Mail Code 2333A | Washington DC 20460 | phone: Ex. 6 Personal Privacy (PP)

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

From: Duross, Jeanne
Sent: Monday, December 17, 2018 9:28 AM
To: Ex. 6 Personal Privacy (PP)
Subject: RE: Request to participate in pro bono legal clinic

Hi Ex. 6 Personal Privacy (PP)

Your request to participate in the clinic is approved. Following the clinic, if you take on a case, please come back and obtain outside activity approval for the practice of law.

Just FYI, here are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy the clinic!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, December 14, 2018 10:09 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: Request to participate in pro bono legal clinic

Hi Jeanne,

I got Ex. 6 Personal Privacy (PP) email today about doing some pro bono work and thought I'd like to try that. I'm writing to request approval to participate in the DC Pro Bono Program Advice and Referral Clinic on January 12, 2019. I understand you need the following information.

1. Ex. 6 Personal Privacy (PP) attorney advisor, GS-15
2. I understand that the DC Pro Bono Program Advice and Referral Clinic helps people identify resources for their legal issues and answer basic legal questions regarding issues such as landlord/tenant, small business, or custody issues. I will not be compensated.
3. The name and business of the person or organization for which the work will be done: DC Pro Bono Program Advice and Referral Clinic
4. The estimated time to be devoted to the activity: 3-5 hours
5. Service will be performed entirely outside of normal duty hours (Saturday, January 12)
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
7. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A
8. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102
9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: N/A

Please let me know if you need anything else for the necessary ethics approval. And, of course, if this meets the ethics requirements and I'm cleared to participate.

Thanks.

Ex. 6 Personal Privacy (PP) US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | William Jefferson Clinton Federal Building (WJC), Mail Code 2333A | Washington DC 20460 | phone: Ex. 6 Personal Privacy (PP)

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

Message

From: Duross, Jeanne [Duross.Jeanne@epa.gov]
Sent: 9/19/2018 1:26:49 PM
To: **Ex. 6 Personal Privacy (PP)**
CC: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Outside Activity Request

H

Your outside activity is approved. Please maintain a copy of this approval in your files. I'll include one in your ethics file as well. The approval is good for five years unless the substantive work you have described below changes, in which case you should come back for an updated approval.

As you undertake this activity, please remember that you are subject to the Standards of Conduct and the federal financial conflict of interest and representational conflict of interest statutes.

You may not engage in your outside activity on government time or government property or using government resources. You may not use your official title except in accordance with the ethics rules, which permit you to list it as one of several biographical details provided it is given no more prominence than the others. If you use your official title when you are presenting to your outside clients, you must include an oral or written disclaimer (depending on the circumstances) that the views you are presenting are yours and do not necessarily reflect those of the EPA or the U.S. Government.

Because you are subject to 18 USC 203 and 205, you may not represent back to the United States in any matter in which the US is a party or has a direct and substantial interest. You also may not receive compensation, whether earned by you or by others, for representational services in any matter in which the United States is a party or has a direct and substantial interest.

Finally, this activity will be reportable on your next annual Form 450. If your income from this activity exceeds \$200 in calendar year 2018, then the income from this activity will also be reportable on Part 1 of the Form (Assets).

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

From: **Ex. 6 Personal Privacy (PP)**
Sent: Tuesday, September 18, 2018 10:02 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: FW: Outside Activity Request

Hi Jeanne,

I'm just touching base about my outside activity request that I sent late Thursday. I'm sure you are very busy, but would you be able to give me an estimated timeframe when I might hear back?

Thank you!

Ex. 6 Personal Privacy (PP)

EPA Office of General Counsel

Civil Rights Practice Group

Ex. 6 Personal Privacy (PP)



From: Ex. 6 Personal Privacy (PP)

Sent: Thursday, September 13, 2018 5:20 PM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Packard, Elise <Packard.Elise@epa.gov>

Subject: FW: Outside Activity Request

Hi Jeanne,

We spoke a few weeks ago about outside employment. Below is my request for approval, my responses to b) 1-9 are in **bold**. My supervisor, Elise Packard, is copied here.

Please let me know if you need anything else.

Thank you!

Ex. 6 Personal Privacy (PP)

EPA Office of General Counsel

Civil Rights Practice Group

Ex. 6 Personal Privacy (PP)



From: Duross, Jeanne

Sent: Tuesday, August 14, 2018 10:44 AM

To: Ex. 6 Personal Privacy (PP)

Subject: Outside Activity Request

Hi Ex. 6 Personal Privacy (PP)

It was good speaking with you just now.

Below, you'll find the relevant EPA regulations that set forth when advance approval is needed for outside employment (these can also be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>). As we discussed, because your proposed outside activity involves the practice of a profession (law), you require outside activity approval before undertaking it.

Please submit a request for approval using the format below. I suggest that you cut and paste your information into paragraph (b)(1) through (9) below (Brief narratives are usually plenty!). Then, please send it to me via e-mail with an informational "cc" to your immediate supervisor.

Thanks very much!

Jeanne

§ 6401.103 Prior approval for outside employment.

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
 - (i) An EPA contractor or subcontractor;
 - (ii) The holder of an EPA assistance agreement or subagreement; or
 - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade; Ex. 6 Personal Privacy (PP), **Attorney Advisor in CRFLO; GS 14**

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

The outside activity will involve work related to criminal prosecution of animal cruelty cases. Specifically, the work may include conducting trainings on animal cruelty topics (e.g. abuse and neglect) for prosecutors, law enforcement officers, judges, and other legal professionals; providing legal analyses and advice on legal issues related to animal cruelty investigations; and drafting and/or reviewing resource materials for legal professionals. I will be compensated at a rate of Ex. 6 Personal Privacy (PP) or Ex. 6 Personal Privacy (PP) for a training. I will also be reimbursed for expenses.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); **Animal Legal Defense Fund, a non-profit whose mission is to protect the lives and advance the interests of animals through the legal system. www.aldf.org**

(4) The estimated time to be devoted to the activity; **Up to 10 hrs/week, for 6 months (September 2018-March 2019).**

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); **The work will primarily be done outside of normal duty hours. I will be attending a conference in November, for which I will use four days of leave. I may also need to use leave if I am conducting a training (I estimate 1-2 days leave for a training, depending on travel requirements). At this point, we have not identified a particular number of trainings I will be asked to do.**

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; **No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.**
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.); **Per hour for most work; a set fee per training.**
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and **I have read, am familiar with, and will abide by the restrictions described in 5 CFR 2635 and §6401.102.**
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. **ALDF is not listed as a recipient of EPA assistance or a party in a contract with EPA in USASpending.gov or EPA's Grant Awards Database.**

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 12/17/2018 2:30:25 PM
To: Duross, Jeanne [Duross.Jeanne@epa.gov]
Subject: RE: Pro Bono Opportunity: Ethics Clearance for Source of Income Discrimination in Housing Case Training

Thanks Jeanne! Great advice.

Sorry I didn't get to see you at the OGC holiday party...



Ex. 6 Personal Privacy (PP)

Senior Attorney * Office of General Counsel * Solid Waste & Emergency Response Law Office * U.S. EPA * 1200
Pennsylvania Avenue, NW * MC2366A * Washington, DC 20460 * email:

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Duross, Jeanne
Sent: Monday, December 17, 2018 9:26 AM
To: Ex. 6 Personal Privacy (PP)
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Subject: RE: Pro Bono Opportunity: Ethics Clearance for Source of Income Discrimination in Housing Case Training



Your request is approved. Should the training lead to your agreement to take a case, please come back and seek outside activity approval for the practice of law.

Just for your information as you head into training, these are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono training, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy the training session!

-Jeanne

From: [Ex. 6 Personal Privacy (PP)]

Sent: Friday, December 14, 2018 9:39 AM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Michaud, John <Michaud.John@epa.gov>

Subject: Pro Bono Opportunity: Ethics Clearance for Source of Income Discrimination in Housing Case Training

Hi Jeanne:

Hope you are having a great Friday.

I'm writing to request approval to participate in the Source-of-Income Discrimination in Housing case training on **Tuesday, January 15, 2019** from noon-1:30 pm.

1. Name, Title, Grade: [Ex. 6 Personal Privacy (PP)] Attorney GS-15.
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: I will participate in the Source-of-Income Discrimination in Housing case training. The training prepares Pro Bono attorneys to represent DC residents in administrative proceedings before the DC Office of Human Rights, challenging landlords' illegal refusals to rent to people with vouchers. I will not be compensated.
3. The name and business of the person or organization for which the work will be done: This training, presented by the Neighborhood Legal Services Program of DC (NLSP). Mentoring is provided by NLSP. NLSP has been in existence in the District of Columbia for more than forty years. NLSP provides free civil legal representation to low and no income residents in the Nation's Capitol.
4. The estimated time to be devoted to the activity: 2 hours.
5. The training will be performed during lunch and normal duty hours (Tuesday, January 15, 2019, noon-1:30pm). I will take two hours of annual leave to travel to and attend the training.
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside activity.
7. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A
8. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102
9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: N/A

Let me know if you have any questions or concerns.

[Ex. 6 Personal Privacy (PP)]

~~~~~  
**Ex. 6 Personal Privacy (PP)**

Enforcement Attorney \* Office of Enforcement and Compliance Assurance \* U.S. EPA \* 1200  
Pennsylvania Avenue, NW (Mail Stop 2248A) Washington, DC 20460 \* email:

**Ex. 6 Personal Privacy (PP)**

HELP ELIMINATE ENVIRONMENTAL VIOLATIONS - report tips and complaints at:

<http://www.epa.gov/tips>

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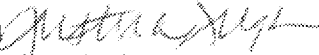
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

APR 17 2019

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity - Associate Editor of *Current Problems in Pediatrics and Adolescent Health Care*

FROM: Justina Fugh   
Alternate Designated Agency Ethics Official

TO: Ex. 6 Personal Privacy (PP)  
Senior Advisor to the Director  
Office of Science and Technology  
Office of Water

I have received your request to continue to engage in compensated outside activity for Elsevier as an Associate Editor of *Current Problems in Pediatrics and Adolescent Health Care*. Your work with this publication began before your EPA service, and you have appropriately sought approval of this activity before. Given the change in your EPA duties, however, you are seeking re-approval of the outside activity. You expect that your outside activity will include soliciting articles, editing them, writing a foreword and attending editorial board meetings as part of the annual meeting of the Pediatric Academic Societies. You further expect that Elsevier will provide compensation for your service as well as travel expenses.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon Elsevier. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, your Deputy Ethics Official does not currently anticipate any likely areas of conflict between your EPA duties in the Office of Science and Technology and this entity.

### Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent Elsevier or the publication back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. §§ 203 and 205. So, for example, when you solicit articles, do not interact directly with any other federal employee in their official capacity.

### Misuse of Position

Because this is compensated activity, you must perform the duties on your own time and not with EPA resources. There is no *de minimis* use of government equipment in connection with any compensated outside activity. In addition, please do not use your EPA email or contact information or address. To attend any of the editorial meetings, you will have to (as you have already indicated) take annual leave.

If there is a biographical profile on their website or other materials, then you may decline to refer at all to your EPA title or affiliation. Alternatively, because this is a scientific publication, you may reference EPA and your title solely, but if you do, then you must include a prominent disclaimer that states, *"This work is not a product of the United States Government or the United States Environmental Protection Agency. The editor is not doing this work in any governmental capacity."*

### Reporting Obligations

Please report this position and any gross income received on your financial disclosure report. In addition, if you are offered and accept the gift of travel from Elsevier, you will need to report that information in the "gift" section of your disclosure report."

\* \* \* \* \*

As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official



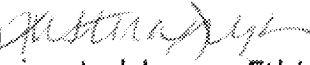
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

APR 17 2019

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity -- Associate Editor of *Environmental Health*

FROM: Justina Fugh   
Alternate Designated Agency Ethics Official

TO: Ex. 6 Personal Privacy (PP)  
Senior Advisor to the Director  
Office of Science and Technology  
Office of Water

I have received your request to continue to engage in uncompensated outside activity for BioMed Central as an Associate Editor of *Environmental Health*. Your work with this publication began before your EPA service, and you have appropriately sought approval of this activity before. Given the change in your EPA duties, however, you are seeking re-approval of the outside activity. Your work with this publication predates your EPA service, but with a change in your EPA duties, you are seeking re-approval of the outside activity. You expect that your outside activity will include reading articles, inviting peer reviewers to evaluate articles, and selecting articles for publication.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon BioMed Central. You cannot work on particular matters that involve them as a specific party nor on particular matters of general applicability that affect them as a member of a class. That said, your Deputy Ethics Official does not currently anticipate any likely areas of conflict between your EPA duties in the Office of Science and Technology and this entity.

### Representation

Please remember that, as a federal employee, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. You cannot represent BioMed Central or the publication back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. § 205. So, for example, when you solicit peer reviewers, do not interact directly with any other federal employee in their official capacity.

### Misuse of Position

I advise against using your EPA email or contact information or address in connection with this outside activity. If there is a biographical profile on their website or other materials, then you may decline to refer at all to your EPA title or affiliation. Alternatively, because this is a scientific publication, you may reference EPA and your title solely, but if you do, then you must include a prominent disclaimer that states, *"This activity is not conducted in connection with the United States Government or the United States Environmental Protection Agency. The editor is not doing this work in any governmental capacity."*

### Reporting Obligations

Please report this position on your financial disclosure report.

\* \* \* \* \*

As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

APR 17 2019

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity - Professorial Lecturer at the Milken Institute School of Public Health at George Washington University

FROM: Justina Fugh *Justina Fugh*  
Alternate Designated Agency Ethics Official

TO: Ex. 6 Personal Privacy (PP)  
Senior Advisor to the Director  
Office of Science and Technology  
Office of Water

I have received your request to continue to engage in uncompensated outside activity for George Washington University as a Professorial Lecturer at the Milken Institute School of Public Health. You appropriately sought approval of this activity before but given the change in your EPA duties, you are seeking re-approval of the outside activity. You expect that your outside activity will include giving occasional guest lectures, mentoring students, and writing articles on environmental health issues.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside activity remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your official or outside activity duties.

I have set forth below a reminder about several ethics principles:

Impartiality

You are not considered to be an employee of George Washington University, but you do have a relationship with it. Therefore, you cannot participate in your EPA duties in any particular matter involving specific parties in which the University is a party or represents a party, unless you first seek and obtain a determination from an ethics official.

Possibility of Seeking Employment

In the event that the university reaches out to you for possible employment, or if you elect to consider that possibility, then please contact me for further advice.

Representation

Please remember that, as a federal employee, you are still prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest, even if you are not compensated. You cannot represent the University back to any United States official through any appearance or communication with the intent to influence official government action. See 18 U.S.C. § 205.

Misuse of Position

I advise against using your EPA email address or contact information in connection with this outside activity that you understand will take place during non-work time.

If there is a biographical profile on their website or other materials, then you must either: (a) not refer at all to your EPA title or affiliation, or (b) include EPA as one of several significant biographical details, with EPA not having any undue prominence. With respect to any writing, you may decline to refer at all to your EPA title or affiliation or, for a scientific publication, you reference EPA and your title solely. If you do reference EPA in connection with writing for a scientific publication, though, then you must include a prominent disclaimer that states, *"This work is not a product of the United States Government or the United States Environmental Protection Agency. The author is not doing this work in any governmental capacity."*

Reporting Obligations

Please report this position on your financial disclosure report.

\* \* \* \* \*

As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official



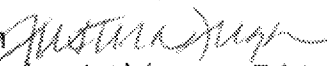
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

APR 17 2019

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Ethics Opinion related to Previous Service as Editor of the *Textbook of Children's Environmental Health*

FROM: Justina Fugh   
Alternate Designated Agency Ethics Official

TO: Ex. 6 Personal Privacy (PP)  
Senior Advisor to the Director  
Office of Science and Technology  
Office of Water

I received your request to engage in compensated outside activity for Elsevier as an Editor of the *Textbook of Children's Environmental Health*. I understand that you submitted this request, as you have in the past, out of an abundance of caution, but I do not think it is necessary. As you know, your service as editor of this publication predated your EPA service. But you have indicated that the publisher, Oxford University Press, is not planning a second edition, so there really are no duties to be performed and therefore no outside activity to consider at all.

Reporting Obligations

For future filings, please remove this position from your financial disclosure report, but continue to report the royalties as income.

\* \* \* \* \*

As always, if you have any questions, please feel free to contact me at 564-1786.

cc: Jeff Lape, Deputy Ethics Official

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 1/3/2018 4:05:55 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**Subject:** RE: Request to participate in pro bono activity

Hi Ex. 6 Personal Privacy (PP)

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here are some reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions.

- Jeanne

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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Wednesday, January 03, 2018 8:31 AM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** Request to participate in pro bono activity

Good morning Jeanne,

I'm writing to request approval to participate in the DC Pro Bob Program Advice and Referral Clinic that Lakeya described below.

1. Ex. 6 Personal Privacy (PP) attorney-adviser, GS-14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: I will participate in the DC Pro Bono Program Advice and Referral Clinic to help people identify resources for their legal issues and answer basic legal questions regarding issues such as landlord/tenant, small business, or custody issues. I will not be compensated.
3. The name and business of the person or organization for which the work will be done: DC Pro Bono Program Advice and Referral Clinic
4. The estimated time to be devoted to the activity: 4 hours
5. Service will be performed entirely outside of normal duty hours (Saturday, January 13)

6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
7. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A
8. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102
9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. N/A

Ex. 6 Personal Privacy (PP)

EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office

Ex. 6 Personal Privacy (PP)

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**From:** Brantley, Lakeya  
**Sent:** Wednesday, January 03, 2018 7:56 AM  
**To:** OGC HQ Only <[OGC\\_HQ\\_Only@epa.gov](mailto:OGC_HQ_Only@epa.gov)>  
**Subject:** Call for Volunteers! 1/13/2018



Good morning, and Happy New Year!

EPA is scheduled to staff volunteers for the Pro Bono Advice & Referral Clinic on Sat., January 13 at 9 am at 1525 7<sup>th</sup> Street, N.W. (the closest metro is the Shaw-Howard University Metro Station). At the clinic, attorneys provide general information, advice, and brief services, but do not provide representation.

Volunteers are not expected to be familiar with every area of law—in fact the clinic anticipates that volunteers will have very little, if any, experience in the types of matters on which advice will be given. Therefore, Pro Bono Center staff and expert mentors are available, on-site, as well as access to legal databases, reference manuals, and guidebooks. The former EPA General Counsel, and other EPA attorneys have volunteered and can attest to the positive experience and gratitude gained from volunteering at the clinic.

We are kindly requesting 5-6 volunteer attorneys, one paralegal, and one non-attorney staff to assist. I understand that January 13 is on a holiday weekend, however, I ask that you remember Dr. King's family's wish that people honor his birthday with acts of service. Volunteering at this clinic is the perfect way to effectuate that wish. ☺

Please let me know, as soon as possible, if you are available to volunteer and I will provide any additional information.

Kind Regards,

**Lakeya Brantley**  
**Attorney-Advisor**  
U.S. Environmental Protection Agency  
Civil Rights and Finance Law Division (CRFLO)  
Office of General Counsel | WJC-N 7313G (Mail Stop 2399-A)  
(202) 564-2757 (office)  
(202) 564-5416 (fax)  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20460

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 2/6/2017 7:54:26 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**CC:** Mclean, Kevin [Mclean.Kevin@epa.gov]  
**Subject:** RE: prior approval to write article for ABA publication

H **Ex. 6 Personal Privacy (PP)**

Thank you for submitting your request for outside activity approval to write an article (for which you will not receive compensation) on the international aspects of sustainable development for Trends, a bimonthly publication of ABA's Section of Energy Environment and Resources.

Having reviewed your request in accordance with 5 CFR 6401.103, EPA's supplemental regulation covering outside employment activities, I approve your request.

Since you are writing in your personal capacity, please remember to include an appropriate disclaimer that the views and opinions contained in your writing are yours and do not necessarily represent those of the Agency. And, please ensure that any bio you submit with your publication mentions your EPA position only as one of several biographical facts and that it is given no more prominence than the other facts.

Please let me know if you have any questions. Best of luck!

-Jeanne

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**From:** **Ex. 6 Personal Privacy (PP)**  
**Sent:** Monday, February 06, 2017 10:36 AM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Cc:** Mclean, Kevin <Mclean.Kevin@epa.gov>  
**Subject:** prior approval to write article for ABA publication

Jeanne,

This is my request for prior approval to write an article for the ABA's Section of Energy Environment and Resources "Trends" April/May publication.

1. Employee's name, title and grade

**Ex. 6 Personal Privacy (PP)** attorney adviser, GS 15

2. Nature of the outside activity, including a full description of the services to be performed and that no compensation will be paid;

Writing a 2-page article on international aspects of sustainable development for Trends, a bimonthly publication of ABA's Section of Energy Environment and Resources. I will not be compensated.

3. The name and business of the person or organization for which the work will be done;

American Bar Association, Section of Energy Environment and Resources

4. The estimated time to be devoted to the activity;

20 hours

5. That the service will be performed entirely outside of normal duty hours;  
The service will be performed entirely outside of normal duty hours
6. The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
7. The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102; and  
I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102
8. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.  
I am not aware of any EPA assistance agreements or contracts held by ABA SEER.

Ex. 6 Personal Privacy (PP)

U.S. Environmental Protection Agency  
Office of General Counsel

Ex. 6 Personal Privacy (PP)

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 4/6/2017 6:04:21 PM  
**To:** [Ex. 6 Personal Privacy (PP)] Keith, Jennie [Keith.Jennie@epa.gov]  
**CC:** Michaud, John [Michaud.John@epa.gov]  
**Subject:** Re: Request for Prior Approval of Outside Activity

Hi [Ex. 6 Personal Privacy (PP)]

You are approved for this pro bono activity. Please be mindful of the misuse of position restrictions on using your official title or official resources for this activity. And, should you agree to take on a particular case following the clinic, please remember that the representational conflict of interest statute prohibits you from representing back to the United States on behalf of a third party in any matter in which the United States is a party or has a direct and substantial interest.

Have fun this weekend! Please let me know how it goes.

-Jeanne

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--  
WJCN (Mail Code 2248A)/Phone (202)564-6595

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**From:** [Ex. 6 Personal Privacy (PP)]  
**Sent:** Thursday, April 6, 2017 1:54:56 PM  
**To:** Duross, Jeanne; Keith, Jennie  
**Cc:** Michaud, John  
**Subject:** FW: Request for Prior Approval of Outside Activity

Hello again –

Just bringing this to the top of your queue again, since I haven't heard back. I'll need your approval by tomorrow for me to participate in the clinic on Saturday.

Thanks!!!

[Ex. 6 Personal Privacy (PP)]

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**From:** [Ex. 6 Personal Privacy (PP)]  
**Sent:** Monday, April 03, 2017 3:38 PM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>  
**Cc:** Michaud, John <Michaud.John@epa.gov>  
**Subject:** Request for Prior Approval of Outside Activity

Hi Jeanne and Jennie –

Per your instructions, below are my answers to your questions in underlined text.

Please let me know if you have any questions or need follow up.





## **Request for Prior Approval of Outside Activity.**

Please provide the following information, cc'ing your immediate supervisor.

- (1) Employee's name, title and grade;

Ex. 6 Personal Privacy (PP) Attorney-Advisor, GS-15

- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

See attached. This is a volunteer activity without compensation

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

DC Bar Pro Bono Center

- (4) The estimated time to be devoted to the activity;

Approximately 4 hours (10:00 am – 2:00 pm, April 8, 2017)

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Service will be performed entirely outside of normal duty hours

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

This is a volunteer activity without compensation

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102; and

I have read, am familiar with, and agree to abide by the restrictions described in 5 CFR part 2635 and § 6401.102

- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I am not aware of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 6/22/2017 5:43:25 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**Subject:** Outside Activity Approval for VA Tech

Hi Ex. 6 Personal Privacy (PP)

You might have found the title to my previous email misleading. Justina was kind enough to share a recent outside activity approval she did for teaching, upon which I based yours!

Here is an appropriately titled outside activity approval email chain for your records. ☺

Let me know if you have any questions.

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Hi Ex. 6 Personal Privacy (PP)

I have received your request to engage in outside activity for compensation as a faculty member at Virginia Polytechnic Institute and State University (Virginia Tech). You wish to teach one three-hour course on environmental law for the fall 2017 semester. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties, including taking on any additional or other courses.

I have set forth below a reminder about several ethics principles:

#### Financial Conflicts of Interest

Because you will be compensated by Virginia Tech, you may well be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve Virginia Tech as a specific party, nor can you work on particular matters of general applicability (e.g., a rulemaking that might affect colleges and universities as a class).

You will need to report the income from this outside activity in the assets section of your Form 450 and the position itself in that section of the form.

#### Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your capacity as an adjunct faculty member, you cannot contact the US government on behalf of Virginia Tech, which may include contacting federal employees to speak before your law school classes.

If you have any questions, please feel free to contact me at 564-6595.

-Jeanne

**From:** Ex. 6 Personal Privacy (PP)

**Sent:** Friday, June 16, 2017 1:44 PM

**To:** ethics <ethics@epa.gov>

**Subject:** request regarding outside activity

Hello Ethics Office,

I would like to teach an online graduate level course this fall with Virginia Tech. I previously received approval for teaching this course for fall 2016 and spring 2017. It is the same course this fall: International Environmental Law and Policy, NR 5884. It is an adjunct professor position with the Online Master of Natural Resources program at Virginia Tech. Effective date is in August 2017; end date is in December 2017. The salary is Ex. 6 Personal Privacy (PP) paid biweekly.

Below is my request.

Thank you

Ex. 6 Personal Privacy (PP)

U.S. Environmental Protection Agency  
Office of General Counsel

Ex. 6 Personal Privacy (PP)

Employee's name, title and grade: Ex. 6 Personal Privacy (PP) Attorney adviser. GS 15.

Nature of the outside activity, including a full description of the services to be performed and compensation: Professor of environmental law course for graduate students. 3 hour course for the fall 2017 semester. Compensation will be

Ex. 6 Personal Privacy (PP)

The name and business of the person or organization for which the work will be done: Virginia Tech

The estimated time to be devoted to the activity: 5-8 hours per week

That the service will be performed entirely outside of normal duty hours (unless an excused absence or annual leave is necessary – see section IV): I will perform my service entirely outside of normal business hours.

The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment: I will use no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment

The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102: I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102;

An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: I am not aware of any.

Message

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**From:** Duross, Jeanne [Duross.Jeanne@epa.gov]  
**Sent:** 3/16/2016 7:52:31 PM  
**To:** [Ex. 6 Personal Privacy (PP)]  
**Subject:** Fw: outside activity request for [Ex. 6 Personal Privacy (PP)] OCE

Hi [Ex. 6 Personal Privacy (PP)]

Susan has approved your request. Please remember that you will have a covered relationship with your outside employer. Under the Standards of Conduct, you should seek an impartiality determination before working on a specific party matter involving Incyte Corp. or the Mayo Clinic (should that work come about).

Best of luck with this important work. Please let me know if you have any questions.

-Jeanne

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--  
WJCN (Mail Code 2248A)/Phone (202)564-6595

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**From:** Shinkman, Susan  
**Sent:** Wednesday, March 16, 2016 9:53 AM  
**To:** Duross, Jeanne  
**Cc:** Belser, Evan  
**Subject:** RE: outside activity request for [Ex. 6 Personal Privacy (PP)] OCE

Jeanne,

I approve [Ex. 6 Personal Privacy (PP)] outside employment request.

Thanks for your thoughtful analysis.

Susan

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**From:** Duross, Jeanne  
**Sent:** Tuesday, March 15, 2016 2:07 PM  
**To:** Shinkman, Susan <Shinkman.Susan@epa.gov>  
**Cc:** Belser, Evan <Belser.Evan@epa.gov>  
**Subject:** FW: outside activity request for [Ex. 6 Personal Privacy (PP)] OCE  
**Importance:** High

Hi Susan,

I have reviewed [Ex. 6 Personal Privacy (PP)]'s request for outside employment approval to perform work on behalf of advisory boards concerned with myeloproliferative neoplasms, a class of blood cancers. [Ex. 6 Personal Privacy (PP)] request is written to cover a specific proposal for advisory board work from a pharmaceutical company called "Incyte Corp." or its marketing proxy. He also indicates he may have an opportunity to provide the same service for a board associated with the Mayo Clinic and would like this approval to cover that work as well.

I spoke with [Ex. 6 Personal Privacy (PP)] about the proposed work and am satisfied that he can undertake this activity in compliance with the Standards of Conduct at 5 CFR Part 2635 and 5 CRF Part 6401 (EPA's Supplemental Ethics Regulations). I have cautioned [Ex. 6 Personal Privacy (PP)] that his outside employment creates a covered relationship with Incyte Corp. and with the Mayo Clinic (should he undertake it) and that he should recuse from any specific party matters involving either entity.

I recommend that you approve [Ex. 6 Personal Privacy (PP)] outside activity. Please let me know if you have any questions.

-Jeanne

Jeanne M. Duross

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | fax 202-564-1772

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**From:** [Ex. 6 Personal Privacy (PP)]  
**Sent:** Monday, March 07, 2016 6:49 PM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Cc:** Belser, Evan <Belser.Evan@epa.gov>  
**Subject:** outside activity request for [Ex. 6 Personal Privacy (PP)] OCE  
**Importance:** High

This email requests outside activity approval to perform work on a small selection of advisory boards concerned with myeloproliferative neoplasms, a class of blood cancers. I am submitting my request in accordance with 5 C.F.R. 6401.103. Please let me know if you need any additional information to evaluate my request.

1. Employee's name: [Ex. 6 Personal Privacy (PP)]  
Title: attorney-advisor  
Grade: GS-14
2. Activity: at present I propose serving on an advisory board designing a cancer study, an advisory board publicizing the results of a study, and, potentially, an advisory board designing treatment guidelines. All of the above are pertinent to myeloproliferative neoplasms, or some of them.

Compensation of approximately [Ex. 6 Personal Privacy (PP)] per advisory board is expected, and expected annual compensation is not expected to exceed [Ex. 6 Personal Privacy (PP)] probably substantially less. Compensation is presently expected to be received from Incyte Corp. (a pharmaceutical company) or its marketing proxy, and (to the best of my present knowledge) the Mayo Clinic, or subsidiary thereof.

3. Type of services:
  - a. [Ex. 6 Personal Privacy (PP)] I will represent the perspective of cancer patients, survivors, family members and the community affected by the disease. I will assess the nonscientific aspects of assigned studies, or treatment guidelines, including relevance, quality and acceptability to, and interest of the patient community.
  - b. The panel chair prepares a summary without attribution of all comments and assessments from the multiple panel members. I will provide my comments and assessments to the panel chair for use in the summary. I will not represent back to the United States.
4. Number of clients: I anticipate serving on up to six advisory panels relevant to my diagnosis per year, and usually substantially fewer.

5. Time expended: The time devoted to the activity is anticipated to average less than three hours per week, and usually will be substantially less.
6. Effect on duty hours: The activities will be provided entirely outside normal duty hours. Normal annual leave is anticipated in order to attend occasional, mandatory advisory group meetings. Leave requests for this purpose are expected to average about 30 hours annually.
7. Use of government resources: No official duty time, Government property, resources or facilities not available to the general public will be used in connection with the outside employment.
8. The basis for compensation: flat rate contract or honorarium; Travel, or reimbursement for travel expenses for attendance at mandatory meetings is also provided.
9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and §6401.102.
10. There are no known EPA assistance agreements or contracts held by a person or entity to or for whom services would be provided.

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Attorney

WJC South Room 1111-B

OECA/Air Enforcement Division (2242-A)

Ex. 6 Personal Privacy (PP)

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 1/30/2019 7:59:57 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**Subject:** Re: request for outside activity

Hi **Ex. 6 Personal Privacy (PP)**

Your request for outside activity approval to provide consulting services through **Ex. 6 Personal Privacy (PP)** Career Coaching LLC is approved.

Please remember that you may not undertake your outside activity or market your services on official time and you may not use official resources or undertake the activity on government property.

Because you are organizing as an LLC, please remember that 18 USC 205 prohibits you from representing back to the United States on behalf of a third party and that 18 USC 203 prohibits you from receiving compensation that arises from such representational services, whether or not you were the one who provided them.

This approval is good for five years. Please retain a copy of this approval for your records. And, please let me know if you have any questions. Best of luck!

-Jeanne

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--  
WJCN (Mail Code 2248A)/Phone (202)564-6595

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**From:** **Ex. 6 Personal Privacy (PP)**  
**Sent:** Tuesday, January 29, 2019 9:22 AM  
**To:** Duross, Jeanne  
**Subject:** RE: request for outside activity

Ok, thank you!

**Ex. 6 Personal Privacy (PP)**  
EPA Office of General Counsel  
Pesticides & Toxic Substances Law Office

**Ex. 6 Personal Privacy (PP)**

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**From:** Duross, Jeanne  
**Sent:** Tuesday, January 29, 2019 9:09 AM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**Subject:** Fw: request for outside activity

Hi



I found the email thread between you and Justina. So, please disregard my request below.

I will write you an outside activity approval today.

-Jeanne

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--  
WJCN (Mail Code 2248A)/Phone (202)564-6595

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**From:** Duross, Jeanne

**Sent:** Tuesday, January 29, 2019 9:06 AM

**To:**

**Cc:** ethics

**Subject:** Re: request for outside activity

Hi

Can you remind me what is different about your amended request vs. your earlier request? Thanks!

-Jeanne

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--  
WJCN (Mail Code 2248A)/Phone (202)564-6595

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**From:**

**Sent:** Sunday, January 27, 2019 5:24 PM

**To:** Duross, Jeanne

**Cc:** ethics

**Subject:** Fwd: request for outside activity

Hi Jeanne

Justina said she would send this your way this week. I needed to update my earlier request so I'm sending to you directly.

Thank you

I have a request for approval for an outside activity.



- Employee's name, title and grade: Ex. 6 Personal Privacy (PP) attorney adviser, GS 15.
- Nature of the outside activity, including a full description of the services to be performed and compensation: Career coaching services through Ex. 6 Personal Privacy (PP) Career Coaching LLC
- The name and business of the person or organization for which the work will be done: Virginia Tech and individuals
- The estimated time to be devoted to the activity: approximately 5 hours per week
- That the service will be performed entirely outside of normal duty hours (unless an excused absence or annual leave is necessary – see section IV): I will perform my service entirely outside of normal business hours.
- The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment: I will use no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
- The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102: I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102.
- An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: I am not aware of any.

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 9/19/2017 3:18:53 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**CC:** Keith, Jennie [Keith.Jennie@epa.gov]  
**Subject:** FW: request to write blog post in personal capacity

Hi **Ex. 6 Personal Privacy (PP)**

I've reviewed your request for outside activity approval to write a blog post regarding environmental justice issues in connection with your outside employment as an adjunct professor at Virginia Tech, for which you have written approval. Written approval for your blog post is required under EPA's supplemental ethics regulation because the subject matter of your writing deals in significant part with the programs, policies and operations of the Agency. See 5 CFR 6401.103(a)(4).

As you know, the Standards of Conduct prohibit federal employees from receiving compensation for speaking, teaching and writing that relates to official duties or deals in significant part with the programs policies and operations of the agency. 5 CFR 2635.807(a). However, there is an exception for teaching courses that require multiple presentations if the course is offered as part of the regular curriculum at an institution of higher learning. 5 CFR 2635.807(a)(3).

You have prior approval for your compensated adjunct teaching position with Virginia Tech. You state in your request that Virginia Tech is not offering you additional compensation for your blog writing concerning environmental justice issues.

**Having reviewed and considered your request and your confirmation that the writing is uncompensated, I approve your request.**

Please remember that the biographical information that accompanies your blog post may list your EPA position of one of several (that is, at least 3) biographical details, provided your EPA position is not given more prominence than the other biographical details. In addition, the disclaimer you selected is appropriate to ensure that you do not create the appearance that you are speaking on behalf of the Agency or that the Agency endorses your views and should accompany your writing:

*This work is not a product of the United States Government or the U.S. Environmental Protection Agency. The author/editor is not doing this work in any governmental capacity. The views expressed are his/her own and do not necessarily represent those of the United States or U.S. EPA.*

Please let me know if you have any questions. Best of luck with your blog post!

-Jeanne

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**From:** Fugh, Justina  
**Sent:** Friday, September 15, 2017 10:08 AM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**Cc:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** FW: request to write blog post in personal capacity

Hi **Ex. 6 Personal Privacy (PP)**

In Jennie Keith's absence, Jeanne Duross is the DEO for OGC. She was out yesterday and today on a well-deserved short vacation, but will be back next week. She'll help you out next week.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** [Ex. 6 Personal Privacy (PP)]

**Sent:** Thursday, September 14, 2017 8:55 AM

**To:** ethics <ethics@epa.gov>

**Subject:** request to write blog post in personal capacity

Hi ethics team,

I was looking at the disclaimer chart and it looks like I might need to seek approval for writing a blog post for Virginia Tech because I plan to write about environmental justice issues. (I'm adjunct faculty at VT and each faculty member has been asked to write a blog post for social media.)

If my request is approved, I believe this is the disclaimer I would use:

*This work is not a product of the United States Government or the U.S. Environmental Protection Agency. The author/editor is not doing this work in any governmental capacity. The views expressed are his/her own and do not necessarily represent those of the United States or U.S. EPA.*

Employee's name, title and grade: [Ex. 6 Personal Privacy (PP)] Attorney adviser. GS 15.

Nature of the outside activity, including a full description of the services to be performed and compensation: Short blog post for Virginia Tech social media; not being compensated for this but it is associated with my adjunct faculty position for which I've received prior approval.

The name and business of the person or organization for which the work will be done: Virginia Tech

The estimated time to be devoted to the activity: 15 hours

That the service will be performed entirely outside of normal duty hours (unless an excused absence or annual leave is necessary – see section IV): I will perform my service entirely outside of normal business hours.

The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment: I will use no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment

The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102: I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102;

An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: I am not aware of any.

Ex. 6 Personal Privacy (PP)

U.S. Environmental Protection Agency  
Office of General Counsel

Ex. 6 Personal Privacy (PP)

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 12/20/2018 6:42:56 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**Subject:** RE: Request to participate in pro bono activity

H: Ex. 6 Personal Privacy (PP)

Your request to participate in the clinic is approved. Following the clinic, if you take on a case, please come back and obtain outside activity approval for the practice of law.

Just FYI, here are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy the clinic!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Thursday, December 20, 2018 12:22 PM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** Request to participate in pro bono activity

Good morning Jeanne,

I'm writing to request approval to participate in the DC Pro Bono Program Advice and Referral Clinic on Saturday, January 12.

1. Ex. 6 Personal Privacy (PP) attorney-adviser, GS-14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: I will participate in the DC Pro Bono Program Advice and Referral Clinic to help people identify resources for their legal issues and answer basic legal questions regarding issues such as landlord/tenant, small business, or custody issues. I will not be compensated.

3. The name and business of the person or organization for which the work will be done: DC Pro Bono Program Advice and Referral Clinic
4. The estimated time to be devoted to the activity: 5 hours
5. Service will be performed entirely outside of normal duty hours (Saturday, January 12)
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
7. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A
8. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102
9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. N/A

Ex. 6 Personal Privacy (PP)

EPA Office of General Counsel

Pesticides and Toxic Substances Law Office

Ex. 6 Personal Privacy (PP)

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 1/30/2019 2:34:39 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**CC:** Blake, Wendy [Blake.Wendy@epa.gov]  
**Subject:** Re: request DEO for approval of outside activity

Hi Ex. 6 Personal Privacy (PP)

Your request for approval to teach a class on Water Pollution at the Harvard School of Public Health is approved. I note that you have requested that this approval cover a five-year period. So long as you are teaching the same course (though updates to reflect current developments in the relevant laws will not necessitate a new request) at the Harvard School of Public Health and there is no change in their travel reimbursement offer or other compensation, this approval is good for five years. If there are material changes to the presentation topic or travel or compensation offered, please request a new approval.

Because you are participating in this activity in your personal capacity, please remember that you may refer to your EPA position in your bio as one of several biographical details, provided that it is given no more prominence than the other details. Your materials and presentation should include a disclaimer clarifying that the views you are presenting are your and do not necessarily reflect the views of EPA or the US Government. I note your affirmation below that you will use only publicly available information and that you will not use official time or resources for this activity.

Because the travel reimbursement is less than \$390, it will not be reportable on your next 278.

Please retain a copy of this approval for your files. And, have fun! This looks like a wonderful teaching opportunity.

-Jeanne

P.S. Several of your colleagues in OGC have also suggested that the language in the supplemental regulations regarding an exception for uncompensated "participation" in the activities of an educational organization means that employees are not required to obtain outside activity approval for teaching! OGC/Ethics takes the view that teaching activities are more than mere participation in the organization's activities. In addition, the Standards of Conduct contain very detailed regulations concerning speaking, teaching, and writing about matters that relate to official duties or deal in significant part with the programs, policies or operations of the Agency. The primary purpose of outside activity approval is to prevent violations of the Standards by offering ethics counseling prior to undertaking an activity.

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--  
WJCN (Mail Code 2248A)/Phone (202)564-6595

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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Tuesday, January 29, 2019 6:58 PM

**To:** Duross, Jeanne  
**Cc:** Blake, Wendy  
**Subject:** request DEO for approval of outside activity

Dear Jeanne,

Similar to last year, I have been invited in my personal capacity to teach a class by the Harvard School of Public Health. I request approval to participate in this outside activity. Since Harvard has invited me back to teach on water pollution again, I wonder whether it would be possible to obtain approval for several (up to 5) years as section (d) indicates is a possibility?

Please scroll down for the specific information.

Thanks,

Ex. 6 Personal Privacy (PP)

Director, Conflict Prevention and Resolution Center  
Dispute Resolution Specialist  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | Ex. 6 Personal Privacy (PP)  
<http://intranet.epa.gov/adr/or> <http://www.epa.gov/adr>

b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

Ex. 6 Personal Privacy (PP) **Director, Conflict Prevention and Resolution Center, SES**

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

**Teach one session of 1 hour 20 minutes for the Harvard School of Public Health's graduate level course is on Water Pollution (EH257) on March 14, 2019. My session would provide verbal and written factual information on EPA's standard setting process under SDWA and the CWA. The goal of the course is to help the students understand the relationship between water pollution, pollution control, water standards, water quality and ultimately, public health. In the session, I would use the same material I used last year, which relies only on publicly available, current information from EPA.**

**Harvard has offered up to Ex. 6 Personal Privacy (PP) to cover cost of travel. See (e) below.**

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

**Harvard T.H. Chan School of Public Health  
401 Park Drive, 4th Floor West  
Boston, MA 02215**

(4) The estimated time to be devoted to the activity;

- **One hour and twenty minutes hours teaching**
- **Travel time flying to and from Boston. (Travel to Boston would take place outside of normal business hours and/or while on leave)**
- **Estimate 1 hour preparation time (while not at work) to prepare to teach the class.**

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);



**The service (teaching) would be performed while on annual leave. I would plan to take a total 8 hours of annual leave on Thursday 3/24 to cover time spent teaching and travel home that day**

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

**No official duty time or Government property, resources or facilities not available to the general public will be used in connection with this activity. In the session, I would rely on publicly available, current information from EPA, possibly supplemented by academic papers and similar materials.**

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

**Harvard has offered to pay me [redacted] to defray travel costs.**

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

**I have read, am familiar with and will abide by restrictions in 5 CFR part 2635 and §6401.102.**

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

**I searched the Catalog of Federal Domestic Assistance at [www.cfda.gov](http://www.cfda.gov) for grants provided by EPA, and separately, for grants provided by EPA regarding public health. I could not find any lists of grantees using this tool.**

**Nearly all were investigations regarding air pollution and not relevant to the topic of my talk. I found one specifically about drinking water, but it was completed and closed in 2004.**

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. **It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.** [emphasis added]

My understanding is that this engagement is not considered to be employment, because it is for an educational organization and the only compensation provided is for reimbursement of travel expenses up to \$200.

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 2/22/2017 7:38:59 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**CC:** Mclean, Kevin [Mclean.Kevin@epa.gov]; Duross, Jeanne [Duross.Jeanne@epa.gov]  
**Subject:** RE: prior approval to speak on panel at Virginia Tech regarding environmental justice

Hi Ex. 6 Personal Privacy (PP)

Your request for prior approval to speak on a panel at Virginia Tech on the subject of environmental justice is approved.

Please note that your introduction may include your employment with EPA as one of several biographical details about you, provided that it is given no more prominence than the other details. You should also include an oral disclaimer with your remarks clarifying that the views you express are your own and do not necessarily reflect the views of EPA.

I hope you enjoy your trip to Blacksburg and your experience on the panel. Best of luck!

-Jeanne

---

**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Monday, February 13, 2017 10:22 AM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Cc:** Mclean, Kevin <Mclean.Kevin@epa.gov>  
**Subject:** prior approval to speak on panel at Virginia Tech regarding environmental justice

Jeanne,

This is my request for prior approval to speak on panel at Virginia Tech regarding environmental justice in April (after work hours)

1. Employee's name, title and grade

Ex. 6 Personal Privacy (PP) attorney adviser, GS 15

2. Nature of the outside activity, including a full description of the services to be performed and that no compensation will be paid;

Speak about environmental justice based on my personal and professional experiences. I will not be compensated.

3. The name and business of the person or organization for which the work will be done;

Virginia Tech, Blacksburg, Virginia

4. The estimated time to be devoted to the activity;

3 hours

5. That the service will be performed entirely outside of normal duty hours;

The service will be performed entirely outside of normal duty hours

6. The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment

7. The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102; and

I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102

8. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I am not aware of any EPA assistance agreements or contracts held by Virginia Tech.

Ex. 6 Personal Privacy (PP)

U.S. Environmental Protection Agency  
Office of General Counsel

Ex. 6 Personal Privacy (PP)

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 1/8/2018 4:31:50 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**Subject:** RE: Ethics compensation question - outside employment request

Hi

You request is approved. Please maintain a copy of this approval, which is good for 5 years, in your records.

Here are a few things you should be mindful of with this outside employment:

- Based on my review, I don't think this outside employment currently conflicts with your official duties, as the type of cases to which you will be assigned do not appear to overlap with the programs, policies or operations of EPA. However, and although it is exceedingly unlikely to occur, I ask that you remember that you have a potential "covered relationship" with the parties who hire you to mediate and a reasonable person could question your impartiality in the unlikely event that any of these persons are or represent a party to any matter on which you may work. If this were ever to happen, please consult with OGC/Ethics to determine whether you should recuse yourself and seek an impartiality determination.
- Avoid the misuse of position – Do not perform any work related to this employment on official time, and do not use your EPA email address or government resources.
- As a Form 450 filer – you will need to report this employment on your next Form 450 as an outside position and report the income from it in Part I, Assets (assuming it exceeds \$200 for the reporting period).

Let me know if you have any other questions!

-Jeanne

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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Thursday, January 04, 2018 6:07 PM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** FW: Ethics compensation question - outside employment request

Jeanne:

I'm hoping to close the loop with you on this request (from back in November) for prior written approval to participate in the DC Superior Court Multi-Door Mediation Program.

I have been selected to participate and am seeking prior written approval (see below).

If you could get back to me by Wednesday, January 10<sup>th</sup>, I would very much appreciate it.

Ex. 6 Personal Privacy (PP)

Assistant General Counsel  
Regulatory Issues Practice Group  
Office of General Counsel  
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

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Please consider the environment before printing this email.

From: Ex. 6 Personal Privacy (PP)

Sent: Monday, November 20, 2017 8:36 AM

To: Duross, Jeanne <Duross.Jeanne@epa.gov>

Cc: Keith, Jennie <Keith.Jennie@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>

Subject: RE: Ethics compensation question - outside employment request

Dear Jeanne/Jennie:

Just to recap, I am in the process of applying to participate in a DC Superior Court Multi-Door Mediation Program. I understand that if I am chosen to participate, I will be provided training and, once trained,   per mediation session. Since this compensation would like be considered "employment," I would disclose my participation in the program on my financial disclosure form. I further understand that whether providing services as a mediator constitutes the practice of a profession under the definition found at 5 C.F.R. § 2636.305(b)(1) is a "close call" and therefore, in an abundance of caution, I am seeking prior approval (so that is I am ultimately chosen to participate, I know whether I am able to accept).

Request for outside employment.

(1) Employee's name, title and grade:

Ex. 6 Personal Privacy (PP) **Assistant General Counsel for Regulatory Issues, 15.**

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

**Mediation services as part of the DC Superior Court's Multi-Door mediation program. Specifically, I would be participating in the Family Mediation Program. The Family Mediation Program is designed to help resolve disputes involving custody, visitation, and financial support whether or not participants are going through a legal separation or divorce or have filed a case in court.**

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

**Multi-Door Dispute Resolution Division, Family Mediation Program, DC Superior Court.**

(4) The estimated time to be devoted to the activity:

**Approximately six 3-hour sessions per month.**

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):

**Yes, the service will be performed entirely outside of normal duty hours.**

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:

**No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my participation in the Family Mediation Program.**

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

**After an initial training and probation period,   per session.**

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

**I have read and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §64-1.102.**

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

**I am not aware of any.**

Ex. 6 Personal Privacy (PP)

Assistant General Counsel  
Regulatory Issues Practice Group  
Office of General Counsel  
U.S. Environmental Protection Agency  
Ex. 6 Personal Privacy (PP)  
WJC-N 7522C

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Please consider the environment before printing this email.

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**From:** Duros, Jeanne  
**Sent:** Thursday, November 16, 2017 1:53 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Ethics compensation question

Hi Ex. 6 Personal Privacy (PP)

Thank you for checking in with us! **The short answer is that you are NOT precluded from undertaking this activity, even though it is compensated, but you do need to obtain prior written outside activity approval from your DEO.**

EPA's supplemental regulations at 5 C.F.R. § 6401.103 (see below for text) require employees to get approval from their DEO before engaging in outside employment, with or without compensation, that involves "the practice of a profession." In a few other recent instances, OGC/Ethics has considered whether the provision of services as a mediator or an arbitrator constitutes the practice of a profession under the definition found at 5 C.F.R. § 2636.305(b)(1). Ultimately, we've decided it's a close call and we believe that the prudential course of action is to request prior approval.

The process for approval is fairly straightforward. You may cut and paste your information into paragraphs (b)(1) through (9) highlighted below (brief narratives are usually plenty). I'm the Acting DEO for OGC and Jennie is back from maternity leave and may be resuming her DEO duties soon. So, please address your request to us both with an informational "cc" to your immediate supervisor.

That being said, here are a few things to keep in mind with respect to this outside employment:

- Based on my review, I don't think this outside employment would conflict with your official duties. I note that the Bar has a Mediator Code of Ethics that addresses conflict and appearance issues before you are assigned to a case. However, you should remain mindful that you could have a potential "covered relationship" with a party to a case that you mediate and that a reasonable person could question your impartiality if you should happen to work on a specific party matter that involves one of those parties. Since you propose to mediate family law cases involving individuals, such a scenario seems exceedingly unlikely. Just know that you should immediately consult with OGC/Ethics to determine whether you should recuse yourself and seek an impartiality determination if this scenario were to arise.
- Avoid the misuse of your position – Do not perform any work related to this employment on official time, and do not use your EPA email address or government resources.
- If you are a Form 450 filer – you will need to report this employment on your next Form 450 as an outside position and report the income from it in Part I, Assets (assuming it exceeds \$200 for the reporting period).

I'd be happy to answer any other questions you may have – just let me know.

### **§ 6401.103 Prior approval for outside employment.**

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
  - (i) An EPA contractor or subcontractor;
  - (ii) The holder of an EPA assistance agreement or subagreement; or
  - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade;
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
- (4) The estimated time to be devoted to the activity;
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney,

consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

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**From:** [Redacted] Ex. 6 Personal Privacy (PP)  
**Sent:** Wednesday, November 15, 2017 5:17 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>  
**Subject:** Re: Ethics compensation question

Yes, of course. Thanks.

[Redacted] Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Nov 15, 2017, at 4:16 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi [Redacted]

[Redacted] Ex. 6 Personal Privacy (PP)  
Since you are in OGC, I'm going to ask Jeanne Duross to answer your question, okay?  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004  
for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** [Redacted] Ex. 6 Personal Privacy (PP)  
**Sent:** Wednesday, November 15, 2017 4:12 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Ethics compensation question

Justina:

At a recent pro bono "opportunity" fair, I learned about the DC Superior Court's mediation program. There is an application process through which they select people to receive a 40 hour mediation training and then serve as mediators in family court matters. In looking through the materials it also says that mediators receive [Redacted] per case.



My question is whether I am precluded from participating because it sounds like it's not just a straight volunteer activity (I assume this would be considered outside employment and would need to be reported on the OGE 450).

For more information, here is the weblink to their webpage.

<https://www.dccourts.gov/superior-court/multi-door-dispute-resolution-division>

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 1/8/2018 3:53:10 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**CC:** Schmidt, Lorie [Schmidt.Lorie@epa.gov]  
**Subject:** RE: Ethics Request -- Pro Bono Activities

Hi **Ex. 6 Personal Privacy (PP)**

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here are some reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions.

- Jeanne

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**From:** **Ex. 6 Personal Privacy (PP)**  
**Sent:** Friday, January 05, 2018 10:45 AM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Cc:** Schmidt, Lorie <Schmidt.Lorie@epa.gov>  
**Subject:** Ethics Request -- Pro Bono Activities

Jeanne –

The following email is my request to you, as the Deputy Ethics Official, to participate in an outside activity under the ethics rules. I have read the information regarding approval of outside activities available at [http://intranet.epa.gov/ogc/ethics/outside\\_activity.htm](http://intranet.epa.gov/ogc/ethics/outside_activity.htm) and have provided that information below.

I have cc'd my supervisor (Lorie Schmidt) as required, but I understand that she has no role in approving the activity. If you have any questions about the activity, please contact me directly, with a cc to Lorie.

Thank you,

**Ex. 6 Personal Privacy (PP)**

- My names is **Ex. 6 Personal Privacy (PP)** and I am an Attorney Advisor (GS15) in the Office of General Counsel at the U.S. Environmental Protection Agency.
- I am requesting to participate in the DC Bar Pro Bono Advice & Referral Clinic on Saturday, January 13. The Advice & Referral Clinic is a single session event in which attorneys provide general

information, advice, and brief services, but do not provide representation. Mentors from the DC Bar Pro Bono Program are available throughout the process to assist volunteers. All services are provided free of charge.

- The Clinic is organized by the DC Bar Pro Bono Program, and advice will be provided to the individuals that come to the clinic.
- The estimated time to be devoted to my Clinic participation will be approximately four hours, from 9 AM – 1 PM.
- The service will be performed entirely outside of normal duty hours.
- No official duty time or Government property, resources, or facilities available to the general public will be used in connection with my participation in this activity.
- There is no compensation for my participation. I am volunteering on a pro bono basis.
- I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
- To the best of my knowledge, no EPA assistance agreements or contracts are held by a person to or for whom services would be provided.

(b) (6) \* Attorney-Advisor \* Air & Radiation Law Office \* US EPA, Office of General Counsel \* (b) (6)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

Message

**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 8/2/2018 11:12:57 AM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**CC:** Zenick, Elliott [Zenick.Elliott@epa.gov]  
**Subject:** RE: Environmental law course adjunct

Hi **Ex. 6 Personal Privacy (PP)**

Your request to teach an environmental law course at the University of Colorado Law School during the 2019 Spring Semester is approved. Please maintain a copy of this approval for your records.

Please be mindful that you may not use government time or government resources to engage in this outside activity. If you make reference to your EPA title during your presentations, please ensure that you indicate you are speaking on behalf of yourself and that the views presented are not necessarily those of the EPA.

In addition, please remember that under 18 USC 205, you are not permitted to make representations back to the United States on behalf of any third party, including the law school. This means, for example, that you should not contact EPA colleagues on behalf of the law school to ask them to speak to your class.

If you have any questions, please feel free to email me or follow up with a phone call. I hope you enjoy the semester!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

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**From:** **Ex. 6 Personal Privacy (PP)**  
**Sent:** Thursday, August 02, 2018 11:34 AM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Cc:** Zenick, Elliott <Zenick.Elliott@epa.gov>  
**Subject:** Environmental law course adjunct

Jeanne, as discussed, I have been asked to teach an environmental law course in Spring 2019 at the University of Colorado, School of Law. Below are my responses for requesting approval.

Thanks,

**Ex. 6 Personal Privacy (PP)**  
**Office of General Counsel | Air and Radiation Law Office** **Ex. 6 Personal Privacy (PP)**  
1595 Wynkoop Street, Denver CO 80202

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**§ 6401.103 Prior approval for outside employment.**

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);

- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
  - (i) An EPA contractor or subcontractor;
  - (ii) The holder of an EPA assistance agreement or subagreement; or
  - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade; **Ex. 6 Personal Privacy (PP) Attorney-Adviser, GS-14**
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected; **Adjunct professor of 3-credit environmental law course at CU Boulder law school in 2019 Spring semester**
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); **University of Colorado, School of Law**
- (4) The estimated time to be devoted to the activity; **5 hours per week**
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); **Yes**
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; **No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment**
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.); **per credit hour (3 total)**
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; **I have read, am familiar with, and will abide by the restrictions in 5 CFR part 2635 and §6401.102**
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. **None**

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for

compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 7/30/2018 2:08:35 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**CC:** Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]  
**Subject:** RE: DC Bar Pro Bono Advice & Referral Clinic on August 11

Good Morning,

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy the clinic!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Friday, July 27, 2018 4:36 PM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Cc:** Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>  
**Subject:** DC Bar Pro Bono Advice & Referral Clinic on August 11

Jeanne:

This is a request to participate in an outside activity under the ethics rules. As required, I am cc'ing my supervisor, Carol Ann Siciliano.

My name is Ex. 6 Personal Privacy (PP) My position is Assistant General Counsel for Regulatory Issues. My grade is GS 15.

I am requesting to participate in the DC Bar Pro Bono Advice & Referral Clinic on Saturday, August 11, 2018. The Advice & Referral Clinic is a single session event in which attorneys provide general information, advice, and brief services, but do not provide representation. Mentors from the DC Bar Pro Bono Program are available throughout the process to assist volunteers. All services are provided free of charge.

The Clinic is organized by the DC Bar Pro Bono Program, and advice will be provided to the individuals that come to the clinic.

The activity will take place approximately between the hours of 9 AM and 2 PM on Saturday, August 11<sup>th</sup>. The service will be performed entirely outside of normal duty hours. In addition, no official duty time or Government property, resources, or facilities available to the general public will be used in connection with my participation in this activity. There is no compensation for my participation. And that I am volunteering on a pro bono basis.

I have read the information regarding approval of outside activities ([http://intranet.epa.gov/ogc/ethics/outside\\_activity.htm](http://intranet.epa.gov/ogc/ethics/outside_activity.htm)).

I have read and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

Finally, to the best of my knowledge, no EPA assistance agreements or contracts are held by a person to or for whom services would be provided.

Ex. 6 Personal Privacy (PP)

Assistant General Counsel  
Regulatory Issues Practice Group  
Office of General Counsel  
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

WJC-N 7522C

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Please consider the environment before printing this email.



Message

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**From:** Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]  
**Sent:** 7/30/2018 1:15:19 PM  
**To:** Ex. 6 Personal Privacy (PP)  
**Subject:** RE: Request to participate in pro bono activity

Hi Ex. 6 Personal Privacy (PP)

Your request to participate in the DC Pro Bono Program Advice and Referral Clinic is approved.

Here are the reminders I typically give regarding the practice of law as an outside activity:

Remember that you can't use nonpublic information in carrying out your outside activity. In addition, you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. You may not use EPA time or resources, such as your EPA laptop, subscription legal resources, or your EPA phone to carry out this work.

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. Although we do not envision any federal government involvement given the nature of the pro bono clinic, please remain mindful of the prohibition and contact us if any circumstances arise that raise questions regarding representational conflicts of interest.

Please print and maintain a copy of this approval for your files, and please let me know if you have any questions. Enjoy the clinic!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4407F North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595 | epa mobile 202-579-7848 | fax 202-564-1772

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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** Monday, July 30, 2018 8:50 AM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>  
**Subject:** Request to participate in pro bono activity

Good morning Jeanne,

I'm writing to request approval to participate in the DC Pro Bob Program Advice and Referral Clinic on Saturday, August 11.

1. Ex. 6 Personal Privacy (PP) attorney-adviser, GS-14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: I will participate in the DC Pro Bono Program Advice and Referral Clinic to help people identify resources for their legal issues and answer basic legal questions regarding issues such as landlord/tenant, small business, or custody issues. I will not be compensated.
3. The name and business of the person or organization for which the work will be done: DC Pro Bono Program Advice and Referral Clinic
4. The estimated time to be devoted to the activity: 4 hours

5. Service will be performed entirely outside of normal duty hours (Saturday, August 11)
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment
7. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A
8. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102
9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. N/A

Ex. 6 Personal Privacy (PP)

EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office

Ex. 6 Personal Privacy (PP)